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CHARTERS

OF, AND

A C T S

REMOTE STORAGE

RELATING TO

BOOKSTACKS OFFICE

JERSEY CITY.

JERSEY CITY:

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Reference to Charter, Acts, &c.

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The Charter
OF
JERSEY CITY,

AS PASSED BY THE

Legislature of the State of New Jersey,

March 18th, 1851,

AND AMENDED BY AN ACT OF THE SAID LEGISLATURE,

Passed March 26th, 1852.

An Act to Incorporate Jersey City.

TITLE I.

Of the boundaries and civil divisions of the city.

1. BE IT ENACTED *by the Senate and General Assembly of the* ^{Boundaries of} *State of New Jersey,* That the city of Jersey City shall here-^{city.}after consist of all the territory included within the following boundaries, that is to say : commencing at the southwest corner of block number seventy-six, as shown on the map of property of Cornelius Van Vorst, being the intersection of South and Dutch streets ; and from thence south, sixty degrees east, to the middle of the Hudson river ; thence up the middle of said river, and parallel with Hudson street, to a point in said river, bearing south, sixty degrees east, from the mouth of Harsimus, or Mill creek ; thence north, sixty degrees west, to the mouth of said Mill creek ; thence up the middle of said creek, to the first branch or sprout thereof ; thence, in a north-westerly direction, till it meets the Hoboken embankment ; thence, along the southerly side of said embankment south-

westerly, to the bridge on the Hoboken turnpike road, near the foot of the hill; thence, along the easterly line of said Hoboken turnpike, to a point on the same, near the first bend or curve of the road, and from which point the spire of Trinity church, New York, bears south, forty-three degrees forty-five minutes east, and the spire of the Presbyterian church, Jersey City, bears south, twenty-three degrees east; thence south, thirty-three degrees west, to the centre of the bridge on the turnpike leading from Jersey City to North Bergen; thence south, thirty-one degrees west, to the Mill creek, or Creek of the woods, on the south side of the New Jersey railroad; thence, down the middle of said creek, to the mouth thereof, where the same empties into Communipaw cove or bay; thence to the corner of said block number seventy-six, the place of beginning.

Constituted a
body politic.

And all citizens of this state, who now are or hereafter may be inhabitants within said limits, shall be, and are hereby constituted a body politic and corporate, by the name of "the Mayor and Common Council of Jersey City," with all the powers incident to a municipal corporation, and necessary for the purpose of carrying out the objects of this act.

2. *And be it enacted*, That the said city shall be divided into four wards, in the manner following, to wit:

Boundaries of
first ward.

All that part of the said city lying south of a line beginning in the middle of the Hudson river, at a point opposite the middle of the street now called York street, and from said point or place of beginning to run westerly up to and along the middle of said York street to the middle of Henderson street, and east of a line drawn thence southerly along the middle of Henderson street, as far as the same extends, and thence in the direction of said line south to the southerly boundary line of the said Jersey City, shall constitute the first ward of said city.

Boundaries of
second ward.

And all that part of the said city lying north of the aforesaid line, extending from the middle of the Hudson river up to and along the middle of York street to the middle of Henderson street, and east of a line running from thence, northerly, along the middle of Henderson street, to and across Newark avenue, to the middle of Prospect street, thence continuing along the

middle of Prospect street, northerly, to the middle of Harsimus street, and south of a line running thence eastwardly along the middle of said Harsimus street, as far as the same runs, and thence in the direction of that line, easterly, to the middle of the Hudson river, shall constitute the second ward of said city.

And all that part of the said city lying west of the middle of ^{Boundaries of third ward.} Henderson street aforesaid, and south of the middle of Newark avenue, and southwesterly of the Newark turnpike, or avenue, to the westerly and southerly boundary lines of said city, shall constitute the third ward of the said city.

And all the residue of the said city shall constitute the fourth ^{Fourth ward.} ward thereof.

TITLE II.

Of the officers of the city, their election, duties, and term of office.

3. *And be it enacted,* That the city officers shall consist of a ^{City officers.} mayor, a treasurer, a clerk of the city, an overseer of the poor, a chief engineer of the fire department, a school superintendent, a street commissioner, two or more city surveyors, two assessors, one to be a resident of the first or second ward, and the other a resident of the third or fourth ward, and one collector of taxes, and one collector of arrears of taxes, who shall hold their offices for one year, and a recorder, who shall hold his office for five years.

The mayor, recorder, school superintendent, assessors and ^{Election and appointment of officers.} collector, shall be elected at the charter elections; and the city clerk, treasurer, overseer of the poor, street commissioner, collector of arrears of taxes, and city surveyors, shall be appointed by the Common Council, a majority of whom shall be necessary to a choice; and the chief engineer of the fire department shall be elected by the members of said department, subject to the approval of the Common Council.

4. *And be it enacted,* That the ward officers shall be for ^{Ward officers.} each ward, three judges of election and four aldermen; as many constables in each ward as the Common Council shall determine by resolution, passed two months before the election; two chosen freeholders; a clerk, who shall be clerk of

election, and shall perform all other duties required by law of the clerks of the townships in this state, as far as the same are not otherwise provided for by this charter; two surveyors of the highways, one poundkeeper, and one commissioner of appeals; and the aldermen of each ward shall perform such duties as, by the laws of the state, devolve ex officio on the town committeemen in the other townships of this state.

Each ward considered a township.

And each ward, for general purposes not provided for by this act, shall be considered a township; and each of the two city assessors shall, in the meeting of county assessors, have the same voice as the assessors of any two townships in the county.

Time and mode of city elections.

5. *And be it enacted*, That the city election shall be held on the second Tuesday in April, in each year, at such place in each ward as the Common Council shall designate; the election shall be held and conducted by the judges of election and the clerk of election, at the same hours, in the same manner, and under the same regulations, in all things, as prescribed by law for the state elections for members of the Legislature, except that the return of the election shall be made to the city clerk within forty-eight hours after the closing of the polls, which return shall be a full, true, and correct copy of the original statement of the result of such election made by said judges, and shall be signed by them with their own hands, and attested by the clerk; and the city clerk shall, when he receives said return, immediately file the same in his office, as an official paper.

Who entitled to vote.

6. *And be it enacted*, That every person who would, by the existing laws of the state, be entitled to vote at an election for members of the Legislature, if held on that day, shall be entitled to vote at the charter election; and every person voting shall vote in the ward where he shall actually reside at the day of the election, and in no other.

Election declared.

7. *And be it enacted*, That the person or persons receiving the greatest number of votes, of those given in the city, for any city office, and of the votes given in each ward, respectively, for an office in that ward, shall be elected to that office.

Statement of result to be delivered to city canvassers.

8. *And be it enacted*, That the judges of election in each ward, in every such election, shall appoint one of their num-

ber to attend the meeting of the board of city canvassers, hereinafter provided for, as a member thereof, and shall deliver to the judge, who shall be so appointed, the original statement of the result of such election in such ward, which shall have been made, signed, and certified, as hereinbefore directed; and it shall be the duty of the judges of election, who shall have been so appointed, to attend the meeting of the board of city canvassers for such election, as members thereof.

That the judges of election, to whom the original statements of the result of such election in the wards to which they respectively belong shall have been delivered, as directed in the preceding section of this act, together with the members of the board of aldermen whose term of office will not expire till after the next succeeding charter election, shall constitute the board of city canvassers; a majority of said board shall be a quorum, and the city clerk shall be clerk of said board. Board, how constituted.

That such board shall meet on the Friday next after such election, at five o'clock in the afternoon of that day, at the Common Council Chamber in said city, and at that hour, without delay, the members of said board who shall be then present, if more than six in number, shall proceed to choose one of their number, who shall be chairman thereof; and as soon as such chairman shall be appointed, it shall be his duty to administer to each of the other members, and of each of the other members to take an oath or affirmation, in the following form: "I do swear, (or affirm, as the case may be,) that I will faithfully and impartially execute the duties of a member of this board of city canvassers, according to law;" and thereupon one of the members of said board shall administer to said chairman, and said chairman shall take an oath or affirmation in the same form as that taken by the other members of such board; and if the city clerk shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered, as hereinbefore directed, proceed to appoint a fit person to be clerk of such board; and before proceeding to canvass and estimate the votes, the chairman of the said board shall administer to the clerk thereof, and the said clerk shall take an Meeting of board.

Oath of members.

Oath of clerk. oath or affirmation in the following form: "I do swear, (or affirm, as the case may be,) that I will faithfully execute the duties of clerk of this board, according to law;" thereupon the judges of election, who shall be present as members of said board, shall produce the original statements which shall have been delivered to them, respectively, as hereinbefore directed, and lay the same before such board; and from them the said board shall proceed to ascertain the votes given at such election, for the several persons voted for thereat, for the several offices mentioned in such statements.

Certified copy of statement may be used, if original is not produced. 9. *And be it enacted*, That if any of the judges, who shall have been appointed to attend the meeting of the board of city canvassers, as a member thereof, shall be unable to attend such meeting, on the day appointed therefor, he shall, at or before the hour of five o'clock in the afternoon of that day, deliver or safely transmit to the city clerk the original statement of the result of the election, which shall have been delivered to him, as herein before directed; and if, from any cause, such original statement shall not be produced to said board of city canvassers at the time appointed for the meeting of said board, the city clerk shall produce and lay before the said board the certified copy thereof, filed in his office; and thereupon the said board shall proceed to make their statement and declaration from such certified copy, in the same manner and with the same effect, as if the original statement had been produced by the judge of election, to whom the same was delivered.

Written statement to be made. 10. *And be it enacted*, That the said board of canvassers shall make a written statement of the whole number of votes given for Mayor of said city, as well as for the several other officers to be elected for said city, and the several wards thereof, the names of the persons for whom such votes were given, and the number of votes given for each.

Statement of board to be filed. 11. *And be it enacted*, That upon such statement, the board shall proceed to determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; in case any two or more persons shall have received an equal number of votes for the same office, the Common Council shall determine between

them; the statement and final declaration of the board shall be certified by the presiding officer and clerk, and filed in the office of the city clerk.

12. *And be it enacted*, That the clerk shall keep proper minutes of the proceedings of the board, and enter the same, with the statement and declaration of the board, in the book of minutes of the Common Council; said statement and declaration shall, within one week thereafter, be published in one or more of the newspapers printed in said city; and within ten days after the board shall have determined what persons have been elected to the several offices in said city, the said clerk shall cause written notices of his election to be given to each of the persons so elected.

13. *And be it enacted*, That all elections, hereafter to be held within the said city, for members of the Senate and General Assembly of this State, for sheriff, clerk, surrogate, and coroners of the county of Hudson, and for members of Congress, and electors of President and Vice President of the United States, or for any other officers of the general or state governments, or officers of said county of Hudson, to be elected by the people, shall be held in the several wards of the said city, at the places therein appointed by the Common Council for holding the city elections, on the day or days which now are, or hereafter may be designated for holding such elections; the polls shall be opened at seven o'clock in the forenoon, and closed at seven o'clock in the afternoon; and the judges of election, before mentioned, shall preside at and conduct all such elections; and the clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city, entitled to vote at such elections, shall give his vote in the ward wherein he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in said city, shall vote, or offer his vote, in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section, chapter first, of the act entitled, "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, to be sued for and recovered, in the name of the clerk of the ward

where the offence shall be committed, in an action of debt, with costs, and applied to the use of the poor of said city.

Mode of conducting elections.

14. *And be it enacted*, That the said judges of elections shall take the same oaths, and conduct such elections, and make returns thereof, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties, as the like officers of the townships of this state are or may be by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve, of any of the said officers of elections, at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerks of the said wards, respectively, shall procure election boxes for the use of their wards, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keeping the same in repair.

Powers and duties of the mayor.

15. *And be it enacted*, That the Mayor shall be elected annually, and no person shall be eligible to that office unless he shall have resided in the city at least two years, and attained the age of thirty years; it shall be his duty to see that the laws of the state and the ordinances of the city are faithfully executed therein, and to recommend to the Common Council such measures as he may deem necessary or expedient for the welfare of the city; as the head of the police of the city, he shall maintain peace and good order therein, and shall have power to suppress all riots and tumultuous assemblies, and to cause to be arrested, without process or warrant, and to commit for trial, all persons violating, or whom he has reason to believe have violated, the laws of the state, or ordinances of the city; he shall possess the same powers and authority in criminal cases with which justices of the peace are invested; he shall have power to suspend any watchman for cause, to be by him assigned to the Common Council in writing; in case of his absence from the city, or his inability to perform the duties of his

office, the President of the Common Council shall, during the continuance of such absence or inability, be vested with the powers, and execute the duties of the Mayor.

16. *And be it enacted*, That the Recorder shall have all powers in criminal matters, that justices of the peace in and for the several counties of the State now have, and shall have like powers as are given to the Mayor, to cause to be arrested and committed without process any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes and complaints arising from the violation of any city ordinance.

17. *And be it enacted*, That the Recorder of said city be, and he is hereby empowered, on oath, affirmation, or affidavit, made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue a process, either in the nature of a summons or of a warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in five entire days; that such process shall state what ordinance the defendant or defendants, named therein, has or have violated, and in what manner the same has been violated; and that on the return of such process, or at the time to which the Recorder shall have adjourned the same, the said Recorder shall proceed to hear testimony, and to determine and give judgment in the matter, without the filing of any pleadings; and that the Recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels, and person, of the defendant or defendants; *provided*, that in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in the courts for trials of small causes, and also an appeal, as in cases where appeal may now be had from judgments in courts for the trial of small causes; *and provided also*, that in all cases an appeal may be made to the Common Council for a remission of any penalty that may be inflicted or adjudged.

Recorder.

Recorder authorized to issue warrant for breach of ordinance.

Proviso.

Proviso.

Penalty for not
delivering over
books, &c., to
successor in
office.

18. *And be it enacted*, That if any person having been an officer of the said city, shall not, within ten days after he shall have vacated or been removed from the office, and upon notification and request by the city clerk, or within such reasonable time thereafter as the Common Council shall allow, deliver over to his successor in office all the property, books, and papers belonging to the city, or appertaining to such office, in his possession or under his control, he shall forfeit and pay to the city the sum of five hundred dollars, to be sued for and recovered with costs.

Officers to take
oath or affirma-
tion.

19. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the Common Council, shall, before he enters upon the duties of such office, take and subscribe, before the Mayor, City Clerk, or some person authorized to administer the same, an oath, faithfully, fairly, and impartially to execute the duties of his office, according to the best of his knowledge, skill, and ability, and file the same in the office of the City Clerk; and if any such person shall neglect to take such oath for twenty days after receiving notice of his election or appointment, or shall neglect, within the said twenty days, to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be deemed vacant; and whenever any vacancy shall occur in any of the offices in which, by this act, the Common Council may make appointments, it shall proceed to appoint suitable persons to fill such vacancies.

Duties of Treas-
urer.

20. *And be it enacted*, That the Treasurer shall receive, safely keep, and disburse, under the direction of the Common Council, all moneys belonging to, or under the control of the city; he shall also keep an accurate account of all receipts and payments, and make returns thereof monthly, or oftener if required, in such manner as the Common Council shall direct.

Money not to be
paid except on
warrant.

No money shall be paid out of the treasury, except on warrants signed by the Mayor or acting Mayor, and countersigned by the City Clerk—except for the payment of bonds of the city, and certificates of indebtedness for improvements given by the city, and interest on the same, and moneys paid into the city treasury for the redemption of property sold for taxes and as-

sessments; and no warrant shall be drawn on the Treasurer by said officers, except in pursuance of an order of the Common Council, passed at a stated meeting of the Board, and entered in their minutes; all such warrants shall be numbered, and made payable to the order of the person or persons entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

It shall be the duty of the Clerk, before he delivers any warrant so drawn, to enter in the margin of a book, to be provided for the purpose, to be called "the Warrant Book," opposite to said warrant, the number, date, and amount of the same, the date of the order or resolution authorizing it to be drawn, the purpose for which it was ordered, and the name of the person or persons to whose order the same is made payable, and to take his or their receipt in said book, at the end of said marginal entry, for the said warrant.

Warrants to be recorded.

21. *And be it enacted*, That the City Clerk shall, in addition to the duties in this act required of him, have charge of all the records, books, papers, and documents of the city, except when the Common Council shall by ordinance otherwise direct; countersign all licenses signed by the Mayor, and keep the record of the proceedings of the Common Council; he shall engross all the ordinances of the Common Council, in a book to be provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the Mayor or acting Mayor and said Clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the Common Council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the Treasurer all moneys which by any law or usage are paid to the Clerk of the city.

Duties of Clerk.

22. *And be it enacted*, That the Overseer of the Poor and Superintendent of Schools, shall respectively perform such duties as by the laws of this State now appertain to and devolve upon the Overseers of the Poor and Superintendents of Schools in the several townships of this State, except as changed by this act, or any ordinance passed by virtue thereof, and shall, in addition

Overseers of Poor and Superintendent of Schools.

thereto, perform such other duties, and receive such compensation as the Common Council shall by ordinance direct and award.

Commissioners
of Appeal.

23: *And be it enacted*, That the Commissioners of Appeal shall have the same powers, and perform the same duties, and be entitled to like compensation that Commissioners of Appeals in the several townships of the State now have, or hereafter may have; and, in addition, they shall have the power to examine the person or persons appealing in cases of taxation under oath, as to the valuation or amount of the chattels assessed against them respectively; and it shall be the duty of the said commissioners to receive the oath of any person appealing, when offered by him, relative thereto.

City Surveyors,
Street Commissioner,
&c.

The City Surveyors, Street Commissioner, Chief Engineer of the fire department, and Marshal shall respectively perform such duties, and receive such compensation as the Common Council shall by ordinance direct and award.

Members of
Council may ar-
rest offenders.

24. *And be it enacted*, That every member of the Common Council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace, or violating any law of the State or ordinance of the city, for the preservation thereof, or of good order or morality, and to bring, or cause such persons to be brought, before the Recorder, or some other magistrate, to be dwelt with according to law.

Official terms of
officers elected.

25. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act, shall commence on the first Monday of May next after their election, and they shall continue in office until the end of their term.

Official terms of
appointed
officers.

26. *And be it enacted*, That the official term of the city officers who shall be appointed by virtue of this act shall commence on the second Monday of May in every year, and they shall continue in office until the end of their term, and until others are appointed and qualified in their place, unless removed, as herein provided; and no appointments for the full term shall be made more than one week prior to the commencement of the said term.

Certain officers
to give bond.

27. *And be it enacted*, That the City Treasurer, City Clerk, Collector of Taxes, and Collector of Arrears of Taxes, and such

other officers as the Common Council may require, shall, before they enter on the duties of their office, give bonds to the city, in its corporate name, in such sums and with such securities as the Common Council may approve, for the faithful performance of their duties. And all Constables shall give bonds to the city, in the manner required by law, with sureties, to be approved of by the Common Council.

28. *And be it enacted*, That for the election of Justices of the Peace, ^{Justices of the Peace.} each ward shall be considered as a township, and until the next census, each ward shall be entitled to two Justices only.

29. *And be it enacted*, That all fines inflicted by ordinances, ^{Fines.} shall, when received, be paid into the city treasury.

TITLE III.

Of the Constitution and duties of the Common Council.

30. *And be it enacted*, That the legislative power of said ^{Common Council.} corporation shall be vested in a Mayor and a Board of Aldermen; the Board of Aldermen shall constitute and be called the Common Council.

31. *And be it enacted*, That the Board of Aldermen shall ^{Board of Aldermen.} consist of the aldermen, elected from each ward; and every alderman shall, at the time of his election, be an elector of the ward in which he shall be chosen, and shall have been a resident of the city for at least two years immediately previous thereto, and shall have attained the age of twenty-five years.

32. *And be it enacted*, That the Board of Aldermen, first ^{Aldermen to be divided into classes.} elected under and by virtue of this act, shall, at their first meeting after their election, divide the aldermen of each ward by lot into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday in April, of the year one thousand eight hundred and fifty-two, and every year thereafter, the said wards shall respectively, elect two persons as aldermen of said ward, who shall hold such office for two years; and in case of the death resignation, or other disability of any alderman, a person shall be duly elected to fill the unexpired term.

Vacancies how
supplied.

33. *And be it enacted*, That in case any alderman shall, after his election or during his term of office, remove out of the ward in which he shall have been elected, his office shall be deemed vacant, and he shall no longer act as an alderman; any alderman may also resign his office, at any time, by filing written notice thereof with the Clerk of the Board; and the Common Council shall have power to direct a special election to supply any vacancy that may occur, but the person so elected shall hold his office only for the residue of the term so vacated.

Quorum.

34. *And be it enacted*, That a majority of the Common Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

President of
Council.

35. *And be it enacted*, That the Common Council shall annually elect a President from its own body, and in his absence a President for the time being, choose officers, appoint its time and places of meeting, determine the rules of its own proceedings, be the sole judge of the qualifications of its members, keep a journal of its proceedings, and may expel a member for disorderly conduct, or a violation of its rules, or declare his seat vacated by reason of absence, provided such absence be continued for the space of two months; but no expulsion shall take place, except by vote of two-thirds of all members elected, nor until the delinquent member shall have had an opportunity to be heard in his defence.

Ordinance to be
signed by Mayor.

36. *And be it enacted*, That every ordinance of the Common Council, and every resolution of the Common Council affecting the interests of the city, shall, before it takes effect, be presented, duly certified, to the Mayor, and the report of the Clerk shall be conclusive evidence that the said ordinance has been so presented to the Mayor; if he approve it, he shall sign it, if not, he shall return it with his objections, and file the same with the Clerk within ten days after he received it; and the said Board shall, at its first regular meeting thereafter, order the objections to be entered at large on its journal, after which it shall proceed to reconsider the same; and if two-thirds of all the members elected shall then pass the same, it shall take effect as a law; but in every such case the votes shall be taken by ayes and noes, and entered on the journal; and if such or-

dinance or resolution shall not be so returned by the Mayor, within ten days after he has received it, it shall become a law, in like manner as if he had signed it; *provided always*, that Proviso. each and every ordinance, so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published or circulated in said city, before said ordinance shall go into effect; *provided also*, that no ordinance or by-law shall Proviso. be enacted or passed by the said Common Council, unless the same shall have been introduced before the said Common Council at a previous stated meeting, and shall have been agreed to by at least nine of the members of the Common Council.

37. *And be it enacted*, That the Common Council shall, at least once a year, not more than thirty, nor less than twenty days before the annual city election, publish, in such of the newspapers printed in the city as they shall designate, a full statement of all the receipts and expenditures, of every description, for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the Treasurer, for any purpose whatever, together with the different sources of city revenue, the amount received under each, the several appropriations made by the Common Council, the objects for which the same were made, and the sums expended for each; also any moneys borrowed upon the credit of the city, whether by temporary loans or by the issue of bonds, the terms upon which they were obtained, the authority under which they were borrowed, and the purposes to which they were applied, and how much of the same, or other city indebtedness, has been repaid, and by what means. Annual statement of receipts and expenditures, &c., to be published.

The statements shall also include a detailed account of the city property, existing debts of every description, and the condition of the sinking fund, with all such other information as may be necessary for a full understanding of the financial concerns of the city.

38. *And be it enacted*, That the Common Council shall hold stated meetings, at least once in each month, at such times and place as they may appoint; but the Mayor, or, in his absence, any three aldermen, may call special meetings, by notice to each of the members of said Council, served personally, or left at his usual place of abode. Meetings of Common Council:

Resignation. 39. *And be it enacted*, That resignations of any office, held under the provisions of this act, may be made to the Common Council.

Vacancies. The Common Council may fill vacancies in any office provided for by this act, for the remainder of the current civil year, excepting in the case of justices of the peace or aldermen.

Removal from office. 40. *And be it enacted*, That any officer, except the Mayor, may be removed from office for cause by the resolution of the

Proviso. Common Council; *provided*, that no such removal shall take place until the party sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members elected vote therefor; whenever any such removal shall take place, the cause therefor, together with the ayes and noes upon the vote taken, shall be entered at large on the journal of the Common Council.

Members of Council not to hold office when emoluments are paid from city treasury.

41. *And be it enacted*, That no member of the Common Council shall, during the period for which he was elected, be appointed to, or competent to hold any office, the emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work, or business, or the sale of any article, the expense, price, or consideration of which is paid from said city treasury, or by any assessment levied by any act or ordinance of said Common Council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or become security for any officer appointed by said Common Council, or for any contractor under the city government.

TITLE IV.

Of the powers of the Common Council.

Ordinances. 42. *And be it enacted*, That the said Common Council shall have power to pass, alter, and repeal ordinances, to take effect within said city, for the following purposes :

Public buildings. 1. To manage, regulate, control, and protect the finances and property of the city, and for the building, erecting, and maintaining a town house, school houses, alms house, and work house, a city prison, and such other buildings as may be necessary for the objects of this charter.

2. To establish, regulate, and control a day and night police, Police. and to regulate and define the manner of their appointment and removal, their duties and their compensation.

3. To establish, regulate, and control a fire department, Fire department. with power to exempt its members from militia duty in time of peace, and from serving as jurors in courts for the trial of small causes, and the mode of their removal and appointment; to provide fire engines, apparatus, and houses therefor, and, for the purpose of guarding against fire and providing for the safety of firemen, to regulate the manner of building dwelling houses and other buildings, and of constructing and placing engines, chimneys, ovens, flues, pipes, and all matters connected therewith, and the keeping of lights in stables, and the manufacture and keeping of gunpowder, fire works, and other dangerous and combustible articles; and to provide water for extinguishing fires, to limit the height, and prevent, in certain limits, to be from time to time prescribed by ordinance, the erection of wooden buildings.

4. To provide lamps for, and to light the streets, wharves, Lamps. docks, and piers, and public squares of the city.

5. To make and regulate wells, pumps, and cisterns in the Pumps, &c. public streets and squares.

6. To make and lay out all streets, squares, and public Grading, paving, and regulating streets. grounds, upon all and every part of said premises, and to establish such as have already been laid out; and for planting and protecting shade trees, and from time to time to regulate the same; and to regulate and govern the levelling, pitching, and constructing of the said streets, and the raising and the levelling of all lots and grounds for buildings, as well public as private; to ascertain and establish the boundaries of all streets and public alleys in said city, and to prevent and remove all encroachments, encumbrances, and nuisances in or upon the same; to pave, McAdamize, gravel, and plank, and curb, and gutter the streets; to flag the sidewalks; to fill sunken lots; to repair the sidewalks, or any of them, or any part thereof; to reset the curb and gutters in the streets; to compel the occupiers and owners of lots to curb and flag the sidewalks opposite their lots, and to keep the same and the gutters swept and clean, and clear of snow and ice and other

impediments; to prevent horses, cattle, swine, and geese from running at large in the streets, and to provide for the impounding and sale of the same, and the destruction of diseased quadrupeds; to prevent immoderate driving in the streets, and riding or driving over or upon the sidewalks, and to regulate the speed and running of locomotive engines and railroad cars through said city; to construct and build sewers and drains in and from the public streets and squares, and such alley ways as may be dedicated for draining purposes; to regulate the building of vaults and the laying of water or gas pipes in or under the streets, and, in every other respect, to secure to the public and the adjoining owners the safe and convenient use of the streets and sidewalks, squares and public grounds, for the purposes for which they are, or may be laid out and dedicated.

Docks, wharves
and piers.

7. To order and regulate the building of all docks, piers, and wharves in and about said city, and to regulate said docks, wharves, and piers, and the use thereof when built, and the rates of wharfage, and to make such by-laws and regulations touching the same, not inconsistent with the laws of this State and the United States, as to them may appear proper and necessary, and to order and direct that all lands under water, between high water mark and the place where such dock, wharf, or pier may be built or extended, and for such width as they may deem advisable, shall be filled in by the owner of such dock, wharf, or pier, or of the shore or shore right from whence such dock, wharf, pier, or filling up may be directed; and in case more land is thus filled in than may be necessary for the use of said wharf, as a wharf or dock, to lay out proper streets upon the same; and the residue thereof, not wanted for wharves or streets, may be appropriated to his own use, and sold by the owner of such shore or dock, so directed to construct or extend said dock, and to fill up said lands, upon his complying with such directions; but the parts reserved for public streets and a wharf shall be held by such person, or his assigns, for such purposes only; *provided*, that the improvements contemplated by this paragraph, shall not be made without the consent of a majority in interest of the owners of the shore in front of which the proposed improvement is to be made; *and provided also*, that the shore owner shall not pre-

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vent the improvement by the owners, with the consent of the Common Council, of any lands heretofore granted by this State.

8. To declare, by general law, what shall be considered Nuisances. nuisances in lots, streets, docks, wharves and piers, and to direct, provide for, and to enforce their removal; and to provide for the sale or other disposition of all encumbrances on the streets, side walks, docks, wharves and piers.

9. To provide health laws, and establish a board of health, Board of health. and to enact all such ordinances as they may deem necessary to protect the health of the city.

10. To establish a board of education, and provide for their Public schools. appointment; to define their powers and duties; to order and regulate public schools, and every thing appertaining thereto, in such manner as they shall deem expedient; to expend and appropriate such portion of the State school fund as shall be apportioned to Jersey City, or the wards composing the same, in the same manner as the city taxes for the support of public schools are expended.

11. To license, regulate, or prohibit inns or taverns, and to Inns and taverns. prohibit all traffic in or sale of intoxicating drink or drinks; and to license, regulate and prohibit hawkers, pedlers, hucksters, butchers, slaughter houses, and markets, on such terms and under such regulations and penalties as the Common Council shall by ordinance impose; and no other license for such purposes within said city, granted by any other authority, shall be lawful, except licenses granted by the Governor to hawkers and pedlers.

12. To license auctioneers, carmen, hack drivers, omnibus Auctioneers, carmen, hack, drivers, &c. drivers and porters, and to prohibit all persons, not so licensed, from following the employment of a common auctioneer, carman, hack driver, omnibus driver, or porter in said city.

13. To provide that the said aldermen, or a majority of Keeper of city prison, harbor masters, &c. them, in Common Council assembled, by not less than nine concurring votes, shall and may from time to time, elect and appoint keepers of the city prison, harbor masters, measurers of grain, weigh masters, cullers of staves and heading, inspectors of beef and pork, pot and pearl ashes, lumber and fire wood, coal and other fuel, and such subordinate officers and agents of said city, not herein named, as they shall think neces-

sary, either for the better ordering and governing the said city, or for the convenience, safety, and advantage of commerce, and to define and prescribe their powers and duties; which officers, so appointed, shall continue in office until others shall be appointed to succeed them, and be sworn into office.

Gaming houses,
&c.

14. To prevent and suppress gaming houses, and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars, and common prostitutes.

Riots.

15. To suppress riots, disorderly and tumultuous assemblies, and to suppress vice and immorality.

Violation of ordinances.

16. To punish, by fines or imprisonment in the city prison, all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act; and no fine shall exceed fifty dollars, or imprisonment ten days.

Interments, &c.

17. To regulate or prohibit interments within the city, and bathing in the adjacent waters, and the exhibition of shows, caravans, circuses, or other like matters, and the firing of guns, fire crackers, or other fire works in said city.

Dogs.

18. To restrain all dogs from running at large, and to authorize their destruction.

Fishing.

19. To regulate or prohibit the setting up or fixing of any pole or poles, for fishing in the waters within the limits of the city, whereby the lives of persons may be endangered, or the navigation obstructed.

Common Council may borrow money.

43. *And be it enacted*, That it shall be lawful for the said Common Council of Jersey City to borrow money, from time to time, for all purposes for which by this act they are authorized to raise money by tax, and to secure the payment thereof, by bond or other instrument, under the common seal and the signature of the Mayor, and to provide by tax for the payment thereof; *provided*, that it shall not be lawful for the said Common Council to raise any sum by loan, whereby the payment of the said loan shall not be otherwise provided for than by tax upon the persons and property in said city, unless at least ten aldermen, in Common Council convened, and the Mayor shall approve the same, and then there shall not be a greater sum than ten thousand dollars raised by loan in any one year; unless the repayment thereof shall be provided for

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from the taxes to be raised in said city in any such year ; and the said city shall not owe more than seventy-five thousand dollars at any one time.

TITLE V.

Of Taxes, and their collection.

44. *And be it enacted*, That it shall be lawful for the Common Council to raise, by tax every year, so much money as they may deem expedient, for the purposes of lighting the streets, supporting a night watch, supplying the city with water to extinguish fires, and other purposes ; for repairing the streets, for improving the public grounds, maintaining the poor, supporting and maintaining public schools, erecting and maintaining market houses, school houses, a city hall or town house, a city prison, an alms house and work house, for contingent expenses, and all other purposes authorized by this charter ; and that the ordinance directing the raising of said tax, shall set forth the amount required for each object, and that the expenditures for such specification shall be confined to the objects therein specified, and be appropriated to no other ; which tax shall not exceed, in any one year, five mills on a dollar, of the actual value of property assessed.

Common Council authorized to raise money by tax.

All taxes for city purposes shall be assessed by the two Assessors, acting together, within the time directed by the laws of this State for assessing township, county, and State taxes, in the manner following :

Manner of assessment and collection.

They shall assess a poll tax on every male resident over the age of twenty-one years, who is not a pauper, not less than one dollar, or more than two dollars, which shall be a school tax, and appropriated to the support of public schools ; they shall also assess all real estate and chattels, situate in the city, both of residents and nonresidents, except such real estate and chattels belonging to religious corporations or churches, or used or occupied by or for schools or academies, as is by law exempt from taxation by the assessors of townships, and also the real estate and chattels belonging to the Mayor and Common Council of Jersey City ; by valuing the same at its true, full, fair value, designating the number of lots or parcels of land, and

the value of personal chattels, which they assess to each person; and every person owning or having in his charge any lands or chattels in said city, shall, on application of said assessors, or either of them, disclose and specify the quantity and situation of such lands, and the amount, nature, and value of such chattels.

And if any person refuse to answer or give such information, when required, the said assessors shall value his real estate and chattels at double the amount which they may believe the same to be worth; and such person shall have no relief therefrom, before the Commissioners of Appeal, except for so much as exceeds the double value of his estate.

And the residue of such city tax, after deducting the amount raised by the poll tax, shall be assessed and raised by such percentum on the whole valuation of such real estate and chattels, as is required to make such residue; and all taxes, so assessed for city purposes, shall be collected by the Collector, in the same manner as he is by law directed to collect township, county, and State taxes, and shall be paid over by him to the city Treasurer, as soon as collected and before the thirtieth day of December, in each year.

Collector to make
return to delin-
quent tax payers.

45. *And be it enacted*, That the Collector of the said city, in case of the nonpayment of taxes, on or before the twentieth day of December in each year, shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to the Clerk of the said city on the thirtieth day of December, in every year, except when the said day shall be Sunday, and then on the next day following; and it shall be the duty of such Clerk to lay the same before the Common Council, at a meeting thereof, held next after the same shall be delivered to him; and thereupon the said Common Council may deliver the same to a Justice of the Peace, residing in said city, who shall proceed and issue a tax warrant thereon, as provided by law in case of taxes in townships, which shall be directed and delivered to the Collector of arrears of taxes, who shall have power to collect the same, in like manner, in all things, as the Constables in townships are directed by law; *provided*, that such Collector shall, before he delivers such list to the said Clerk, take and subscribe an oath or affirmation, before some Justice of the

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Peace of the said city, that the moneys in the said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found, or may then reside in the said city.

46. *And be it enacted*, That whenever, within the said city, any tax shall remain unpaid after the twentieth day of December in every year, it shall be lawful for the Collector of arrears of taxes to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed, at the rate of twelve per centum per annum, from the twentieth day of December, in each year; until the same is paid; and such interest shall be paid over by the said Collector of arrears of taxes to the Treasurer of said city, in like manner and at the same time as he may be required to pay over to said Treasurer all taxes by him collected. Interest to be charged on unpaid taxes.

47. *And be it enacted*, That if any person or persons, from whom any tax shall hereafter be due and payable to the said city, for state, county, or city purposes, shall pay the same, or any part thereof, to the collector of the said city, before the time appointed by law for the said collector to return a list of delinquent tax payers, it shall be lawful for the said collector to allow and deduct from the amount of said tax, so paid, interest thereon, to be computed at the rate of six per centum per annum, from the time when the said tax shall be received by the said collector, until the time appointed by law to make such return of the list of delinquents aforesaid; *provided*, that nothing herein contained shall be so constructed as to exempt the said Common Council, or the Collector of said city, from paying over to the Treasurer of this State, or the Collector of Hudson county, the full quota of taxes required by law to be raised in said city for State and county puposes. Collector authorized to deduct interest in certain cases. Proviso.

48. *And be it enacted*, That all taxes and assesments, which shall hereafter be assessed or made upon any lands, tenements, or real estate situate in said city, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage, or other encumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the Common Council for the payment thereof, it shall and may Real estate may be sold for payment of taxes.

be lawful for the Common Council to cause such lands, tenements, or real estate to be sold at public auction, for the shortest term for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof, remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute under the common seal of the said city, a declaration of such sale, to be signed by the Mayor and City Clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended;

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provided, that the said Common Council shall first have caused such sale to be advertised, for at least sixty days, in at least one public newspaper, printed and published in said city, and and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city, and also by advertisements put up in at least five public places in the said city, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of the assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising, and sale; *and provided also*, that the lands, tenements, or real estate, so sold, may be redeemed by the owner, mortgagee, occupant, or person interested therein, or by any other person, for and on behalf of the owner, mortgagee, or claimant of such lands, tenements, or real estate, at any time within two years after the sale, for either taxes or assessments, or for both, by paying to the Treasurer of the city, for the use of said purchaser, the said purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on said lands, tenements, or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the Treasurer of the city, stating the payment, and showing what lands, tenements, or real estate such payment is intended to redeem, shall be evidence of such redemption.

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The mortgagee shall have power to redeem, at any time, ^{Mortgagee may redeem.} until after the expiration of the six months' notice, herein specified. No mortgagee whose mortgage shall have been duly recorded before sale, for any tax or assessment, shall be affected by such sale; unless six months' notice in writing shall have been given to him by the purchaser, or those claiming under him, either personally, or if not to be found in the city, then such notice shall be deposited in the post office of said city, directed to him at his last known place of residence, (or at the post office nearest thereto;) but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment, or sale. Within a month after the service of such notice by the purchaser, or by those claiming under him, it shall be the duty of the person serving, or causing the same to be served, to file in the City Clerk's office a copy of the notice served, together with the affidavit of some person, who shall be certified by the officer before whom said affidavit shall be taken, to be a credible person, proving the due service of said notice, which affidavit shall be evidence in all courts of the facts therein contained; *and provided also*, that the said ^{Proviso.} term of time for which any land, tenement, or real estate, so sold as aforesaid, shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said land, tenement, or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of said declaration of sale, quit and surrender the said lands, tenements, or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *pro-* ^{Proviso.} *vided also*, that the sale of such lands, tenements, or real estate, or any portion of them, may be adjourned or postponed from time to time, or suspended, as the Common Council may direct; *and provided*, that if, at any sale of lands, tenements, or ^{Sale may be adjourned.} real estate, for assessment or taxes, the whole, or any part thereof, shall remain unsold for the want of purchasers, then it shall and may be lawful for the said Common Council to adjourn the said sale, not less than thirty, nor more than sixty days; twenty days' notice, at least, shall be given, as aforesaid,

Assessments,
&c, to be a lien
on property.

Record of taxes
and sales to be
kept.

of the said adjourned sale ; and if, at said adjourned sale, there shall be no purchasers for said lands, tenements, or real estate, or any part thereof, then it shall and may be lawful for the Treasurer of the city to purchase the said lands, tenements, or real estate for the benefit of the city, subject to the same redemption as herein before provided for ; *provided also*, that all moneys paid for the redemption of said lands, tenements, or real estate, as aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements, or real estate for the amount so paid, with interest at the rate of seven per centum per annum ; and such lien shall have precedence of all other liens on said lands, tenements, or real estate ; and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands, and, on sale of said lands under any such judgment, shall be paid out of the proceeds of sale ; *provided further*, that a complete record of all taxes and assessments shall be kept in the City Clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, (and if the property has been sold therefor) the time of said sale, and to whom sold, and if redeemed, when and by whom. It shall be the duty of the City Clerk to record, in a book to be called "Records of Sales," all declarations of sale, to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations, when the property for which they were given shall be redeemed, on certificate of the Treasurer of such redemption, and to file said certificate in the Clerk's office. It shall be the duty of the Treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the City Clerk's office.

Notice to be given
of time for redemption.

49. *And be it enacted*, That it shall be the duty of the Common Council to give notice of the expiration of the time limited for the redemption of all lands sold for assessments or taxes, by virtue of this act, by advertisement as aforesaid, sixty days next preceding the expiration of the time so limited for redemption, specifying the property unredeemed, and the amount due thereon.

50. *And be it enacted*, That all State and county taxes shall be assessed by the Assessors, in like manner and upon the same property, as city taxes are assessed, and they shall be collected by the Collector in like manner as city taxes are collected by him, and shall be paid over by him to the county collector in like manner and under like penalties as township collectors are directed by law; *provided however*, that the proportion or quota of tax to be levied and collected in said city, for state and county purposes, shall be adjusted and fixed, from year to year, upon the same basis or ratio as by the laws of this State is or may be adjusted and fixed for the several townships in this State, for which purpose the Assessors shall make a list of such persons and property as are by law liable to such taxes.

Assessment and
collection of State
and county taxes.

Proviso.

51. *And be it enacted*, That the Common Council shall establish, by ordinance, certain limits in said city, to be called the lamp and watch district, and shall, in directing taxes to be raised each year, designate how much is to be raised for the expenses of lighting the streets and supporting a night watch, and shall provide that such taxes shall be assessed only on property lying within such lamp and watch district; and the Assessors shall assess such taxes separately from all other taxes, and shall assess them only on property within the lamp and watch district.

Lamp and watch
district to be es-
tablished.

TITLE VI.

Of Improvements, and assessments therefor.

52. *And be it enacted*, That all expense for improvements in opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking and paving streets, and for flagging sidewalks, and for filling and refilling sidewalks, and for repairing and resetting flagging in or on the sidewalks, and for repairing and resetting curb and gutters, and bridge stone and bridging, and for filling sunken lots, and for building wells, pumps, cisterns, drains and sewers, shall be assessed upon, and paid by the lands and real estate benefited by the same, in proportion to the benefit received.

Assessments for
opening streets,
&c.

All propositions for such improvements, except for opening, altering, altering the grade of and widening streets, and constructing sewers, shall be advertised by the Common Council,

Notice of assess-
ment to be given.

Proviso.

in one or more of the city papers, for twenty days before the same are adopted; and the parties interested shall, if they desire, have an opportunity of being heard thereon, before the Common Council, or their appropriate committee; *provided*, that for paving any street, or portion of a street, lying without the limits of the improved part of said city, or upon which there are no buildings erected, the consent of the owners of a majority of the lots to be assessed therefor shall be first had and obtained; and the expenses of such improvements, when completed, shall be ascertained and assessed by three impartial commissioners, not interested therein, who shall be appointed, by the Common Council, from the freeholders resident in the city; which commissioners shall examine into the whole matter, and shall determine and report in writing to the Common Council, what real estate ought to be assessed for such improvement, and what proportion of such expenses shall be assessed to each separate parcel or lot of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof; which report and map shall be filed in the office of the City Clerk, and be by him recorded in the assessment book, whereupon the said Clerk shall cause to be inserted in at least one of the newspapers published in said city, for at least ten days, a notice of the filing of said report, and that the Common Council will meet at a time and place to be specified in said notice, to consider said assessment, and to receive and consider all objections thereto which may be presented in writing, and if the Common Council shall confirm said assessment, it shall constitute a lien on the property assessed, for the amount of such assessment.

Grade of streets not to be altered without consent of owners.

53. *And be it enacted*, That the Common Council shall not alter the grade of any street, which has been fixed by any lawful authority, and which has been built upon, unless by the consent of the owners of three-fourths of the lots fronting on the part so altered, nor without paying to the owners of such buildings the damages sustained by the alteration of such grade.

Lands may be taken on payment of value.

54. *And be it enacted*, That the Common Council shall have power to take any lands that they may judge necessary for the opening, widening, or alteration of any street, upon paying to

the owner the fair value of the lands taken, and of the improvements thereon, and the damage done to any distinct lot or parcel, or tenement, by taking part of it for such purpose; *provi-* Proviso. *ded*, that any street upon or along any navigable waters, within the limits of said corporation, shall not be widened so as to give the Common Council or corporate authorities of Jersey City any right or interest in, or control over, any docks, wharves, or piers used for ferries, commercial, or other purposes, or to deprive the owner or owners of such docks, wharves, and piers of their right, as riparian owners, or of any franchise or authority as shore owners.

55. *And be it enacted*, That when any application shall be Applications for opening streets, &c. made for opening, altering, or widening any street, or altering the grade of any street, or for constructing any sewer, the Common Council shall appoint a time when persons interested therein may be heard before them, or the appropriate committee, on the merits of such application, and shall give notice of the nature of such application, and the time and place of hearing, in one or more of the city papers, for ten days before such time of hearing; and if the Common Council shall determine to open, alter, or widen said street, or alter the grade of said street or any part thereof, or to construct such sewer, they shall, after determining and defining the precise improvement to be made, appoint three judicious disinterested freeholders, residents of said city, commissioners, who shall determine what lands and real estate will be benefited by said improvements; and shall estimate the whole cost of said improvement, according to the best of their judgment; and shall cause a survey and map to be made of said improvement, and of the lots or parcels of land benefited thereby, distinguishing each lot or parcel by numbers on said map; and shall assess such estimated costs upon said lands to be benefited thereby, in proportion to the benefit received by each lot or parcel in said map, estimating the benefit to be done to the residue of any lot or parcel, of which part may be taken for such improvement in the same manner as to other lands; and they shall also estimate and report the value of lands taken for such improvements, and the erections thereon, and the damages aforesaid done by taking the same, and shall report to whom

said lands so taken belong, and the interest and estate of the several owners in the same, as far as practicable, and shall file said report and map with the City Clerk in ninety days after their appointment; except on applications for the construction of any sewer, in which cases the said commissioners shall file said report and map with the City Clerk, within thirty days after their appointment; the City Clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him, in one or more of the city papers, and continue the same for two weeks; and unless, in thirty days after the filing of said report, one half of the owners of the lands to be assessed for such improvements, shall file with the City Clerk a remonstrance, signed by them, or their agents, lawfully authorized, said Common Council shall proceed to execute said improvements.

**Remonstrances
against improve-
ments.**

But if such remonstrance shall be filed, the Common Council shall proceed no further in such improvement under that application; and all costs and expenses incurred by the Common Council in such proceeding, shall be repaid to the city by the petitioners for such improvements; and the Common Council may make such regulations, touching the receiving and proceeding upon such petitions, and security for the expenses thereof, as they may deem proper.

**Assessment of
expenses.**

And if no such remonstrance be filed, then the amount reported by said commissioners, as the value of any lands to be taken, and the damages by taking the same, shall be the sum to be paid by said Common Council to the respective owners of said lands; and the expenses of said improvements, when completed, including all interest and the costs of the proceedings, shall be assessed upon the property reported by said commissioners as benefited thereby, and in the proportion reported by them.

**Persons aggrieved
may appeal.**

If the owner of any lands taken who has filed a remonstrance against any such improvements, is dissatisfied with the value and damages reported by said commissioners, or if the owner of any lands assessed who has filed a remonstrance against any assessment, is dissatisfied with such assessment, he may apply to the Justices of the Supreme Court, at their term held next after the end of twenty days from the expiration of the time

limited for filing a remonstrance, as above provided, giving ten days' notice of such application to the City Clerk, or, in his absence, to the Mayor; and said Justices, or a majority of them, at said term, upon petition by such person dissatisfied, setting forth the causes of his complaint, shall appoint three disinterested persons commissioners, who shall be the same in all applications regarding the same improvement; such commissioners shall meet on ten days' notice, given by any of said persons so applying to each of the others, or to his attorney, if either reside in the city, and to the City Clerk, and shall proceed to examine the premises, with power to send for and examine persons and papers, and to swear witnesses, and to compel their attendance, and the production of papers, by process of subpoena to issue out of the Supreme Court, and shall review the proceedings of the said commissioners appointed by the Common Council, so far only as the complaint of the applicants to the Supreme Court is concerned, and shall report, in writing under their hands, to the Common Council, their estimate of the value of such lands taken and damages, and their assessment of such expenses on lands benefited, which report shall be filed with the City Clerk, and shall be conclusive on all parties; and the costs of their appointment, and of the proceedings of said commissioners, shall, in case their report is more favorable to the applicant than that of the first commissioners, be paid by the city, and added to the expense of the improvement; and in case such report is not more favorable to any applicant than the first report, then said applicant shall pay all such costs and expenses; and the proportion of such costs paid by the city shall be deducted from the sum to be paid to him or assessed upon his property by the Common Council, and shall become a lien thereon, and collected therefrom in the same manner as the assessment for such improvement; and in case the lands, so valued or damaged by such taking, shall be held by a tenant for life or years, and the fee in remainder or reversion, such commissioners shall, in their report, apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his interest in said lands, said tenant, or

his legal representatives, shall, at the termination of their estates, be repaid such principal sum by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same; and may, by bill in Chancery, have said lands sold to pay such lien, and the proceedings thereon in the Court of Chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof; and such lien shall have priority of all other encumbrances.

Assessment
book to be kept.

And after any improvement authorized by this act shall be completed, all the costs and expenses of making the same shall be reported to, and settled by the Common Council; and the proportion of each lot or parcel of land, designated on the original assessment map, shall be fixed and settled by a resolution of the Common Council, according to the provisions of this act; which resolution shall be recorded by the City Clerk, in a book kept for that purpose, to be called the assessment book, and shall be signed by the President of the Common Council and the City Clerk; which book, or a transcript thereof, certified by the Clerk under the city seal, shall be conclusive evidence of such assessment.

And whenever within said city any assessment on any lot or parcel of land, shall remain unpaid for thirty days after the confirmation thereof by the Common Council, it shall be lawful for the Common Council to charge, receive and collect, in addition to the amount of said assessment, interest thereon to be computed at the rate of twelve per cent. per annum from the time of confirmation of such assessment until the same is paid.

The due publication and posting of all ordinances and notices required to be published or posted by the provisions of this act, shall be verified by the affidavit of the printer of the newspapers in which such publication shall be made or his foreman, and of the person who posted such notice; and such affidavit shall be filed in the office of the City Clerk, and shall be evidence of such publication and posting in all Courts and places.

Assessments,
how paid to
owners.

56. *And be it enacted*, That upon completing the report of the commissioners, assessing the value of lands taken, and the

damages thereby, the city Treasurer shall tender and pay to the owner of said lands, if resident in the city, the amount of such assessment due to him; but if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or an infant, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same, and sign a proper receipt therefor, when tendered, then the city Treasurer shall make affidavit of such facts, and file the same with the City Clerk; and the Common Council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed, either in the city treasury or in some safe bank, for the use of the person to whom the same may be due; and upon filing such receipt of the owner, or the passing of such resolution by the Common Council, the said lands shall be vested in the city, and the city officers may proceed with such improvements, and the said moneys so deposited shall be paid by the city to the person entitled thereto, on demand, without interest, except from such time as a demand may be made, and payment refused.

57. *And be it enacted*, That any assessment, or estimate of value and damages, made by any commissioners under this act, that may be made upon principles contrary to law and to the provisions of this act, may be reviewed, and for such cause set aside by the Supreme Court, upon certiorari; and the said Court shall, in the case of setting aside any such assessment or valuation, appoint new commissioners to examine into and report anew, as to the part set aside.

Assessments
may be reviewed
and set aside.

And, for the purpose of such examination, the Supreme Court may require, by rule, the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same, by affidavits to be taken for that purpose; and the city, in case of reversal, shall pay the costs on such certiorari, and add the same to the expenses of the improvement.

58. *And be it enacted*, That the Common Council shall not alter any street or public highway, in such manner as to cut off any lot that shall front upon or adjoin the same from access thereto, without the consent of the owner of the lot so cut off;

Restriction.

but the consent of any owner shall not be necessary for any alteration, except in front of that side of the block on which his lot may front or adjoin.

Commissioners
of assessment to
take oath.

59. *And be it enacted*, That all commissioners of assessments, appointed by or under this act, shall, before they proceed to the duties of their appointment, subscribe and take an oath, before the Mayor or City Clerk, faithfully, honestly, and impartially to perform the duties required of them, and shall receive such compensation for their services as the Common Council shall, by general ordinance, fix and ordain.

Grading and
paving public
streets, grounds,
&c.

60. *And be it enacted*, That the Common Council shall have power to grade, pave, and remove obstructions in all streets, public grounds, and public squares, that are or may become public streets, public grounds, and public squares, or highways, by dedication or otherwise.

Expenses, how
paid.

61. *And be it enacted*, That all expenses for laying out, ornamenting, or improving public grounds and public squares, shall be paid out of the city treasury.

Contracts for do-
ing work.

62. *And be it enacted*, That all contracts for doing work, or furnishing materials for the improvements provided for in this title, shall at all times be given to the lowest bidder, who will comply with all the requirements of the Common Council, and will give ample security for doing said work and furnishing said materials according to contract; but the Common Council shall be under no obligation to accept the lowest bid, and may reject all bids, if they shall think proper.

TITLE VII.

Of the Auditing of Claims against the City.

Claims against
city to be audited.

63. *And be it enacted*, That all claims and demands against the city, shall be audited by the Common Council, upon days to be designated for the purpose, at least as often as once in three months. All claims must be presented in writing. They shall be numbered and filed by the Clerk, and a brief entry of the name of the claimant, number, nature, and amount of the claim made by the Clerk, in a book kept by him for the purpose, prepared with appropriate letters and columns, so that

the entry shall serve as an alphabetical index to the claim. The book shall be provided with a column, in which shall be entered, after the claim, the date when it is audited, and the amount, if any, allowed thereon. The claims shall be audited, and the amounts allowed paid without unreasonable delay. In case the Common Council shall disallow any claim, or allow but a part thereof, its decision shall be a bar to the claim disallowed, or the part not allowed, unless an action shall be commenced against the city thereon, within six months from the time the same was audited.

64. *And be it enacted*, That at least two weeks before Thursday, in the second week prior to the annual city election, the Common Council shall cause a notice to be published in one or more of the newspapers published in said city, and the publication to be continued for two weeks, that upon such Thursday it will meet for the purpose of auditing all claims and demands against the city which have not been audited. Upon such Thursday the Common Council shall meet, and proceed to audit all claims against the city which have been or may then be presented, and to make provision for the payment of all such claims, and of all portions of claims, which it shall have allowed, or may then allow. Notice of election.

65. *And be it enacted*, That no claim against the city, which has been presented to the Common Council to be audited, shall be withdrawn from the files. No claim or demand against the city which has not been audited, or which has not been liquidated by the Common Council, shall bear interest, unless it shall have been presented to the Common Council to be audited previous to, or at the annual auditing of claims provided for in this title; but the provisions of this title shall not apply to claims on bonds or certificates of indebtedness for improvements given by the city, or to moneys paid into the city treasury for redemption of property sold for taxes or assessments. Claims not to bear interest in certain cases.

66. *And be it enacted*, That no costs shall be recovered against the city, in any action brought against it for any unliquidated claim which has not been presented to the Common Council to be audited, nor shall costs be recovered against the city, in any action upon any unliquidated claim which shall have been allowed in part by the Common Council, unless the Costs on action against city.

recovery shall be for a greater sum than the amount allowed by the Common Council, with the interest thereon from the time it was allowed.

TITLE VIII.

Miscellaneous provisions.

Property vested
in Mayor and
Common Council

67. - *And be it enacted*, That all property, real and personal, all debts, dues, claims, and rights in action, or rights of any kind, that shall, at the time when this act takes effect, belong to, or be vested in the Mayor and Common Council of Jersey City, or in the inhabitants of the township of Van Vorst, in the county of Hudson, shall belong to, and be vested in the Mayor and Common Council of Jersey City, as incorporated by this act; and said the Mayor and Common Council of Jersey City may sue for and recover all debts, dues, and rights in action, in its own corporate name, by simply adding the allegation in any declaration or other proceeding, that the right or claim demanded is by virtue of this act vested in them; and the said corporation may proceed, and prosecute or defend any suit now pending, brought by or against said Mayor and Common Council of Jersey City, or said inhabitants of the township of Van Vorst, in the names in which said suits are now pending, in the same manner as if this act had not been passed; and said the Mayor and Common Council of Jersey City shall be entitled to receive any amount recovered in such suits by said former corporations, and be liable to pay any amount awarded against said Mayor and Common Council, or said inhabitants, in such suit or proceedings.

Taxes unpaid
when act takes
effect.

68. *And be it enacted*, That all taxes and assessments made and due before this act takes effect in Jersey City or the township of Van Vorst, and not then paid, shall be collected and received by the Mayor and Common Council of Jersey City, in the name of such of the two present corporations as may be entitled to collect the same; and the property liable to be sold therefor, shall be sold as if this act had not been passed; and any duty, in such collection and sale, imposed upon any officer in such present corporations, shall be performed by the corres-

ponding officer of the Mayor and Common Council of Jersey City, under this act.

69. *And be it enacted*, That the Mayor and Common Council of Jersey City shall, as soon as can conveniently be done School houses and engine houses to be erected. after this act goes into effect, erect and provide, out of the funds and at the expense of said city, suitable public school houses, fire engines and engine houses, in the territory that is now the township of Van Vorst, to an amount equal to the excess of the debt of the Mayor and Common Council of Jersey City over that of the township of Van Vorst, beyond their respective available assets at the time this act takes effect.

70. *And be it enacted*, That the Mayor and Common Council of Jersey City shall be liable to the debts, claims, and rights in Debts of Jersey City and Van Vorst. action, which said Mayor and Common Council of Jersey City and the inhabitants of the township of Van Vorst, or either of them, now are liable to, and may be sued and prosecuted for the same in any court, by adding, in the declaration or other proceeding, to the statement of the cause of action, that by virtue of this act they are liable to be sued for the same.

71. *And be it enacted*, That the Common Council shall have Salaries of officers. power to fix the salary, pay, or compensation of all officers, both elected and appointed, except the aldermen, by general ordinance, and the salary or compensation of any officer, which has once been fixed, shall not be increased during the continuance of his term in office.

72. *And be it enacted*, That all ordinances of the Mayor and Common Council of Jersey City, as at present incorporated, Former ordinances. that may be in force when this act shall go into effect, so far as the same may be applicable to the city hereby incorporated, and so far as not inconsistent with this act, shall be in force until altered or repealed by the Common Council hereby created.

73. *And be it enacted*, That the first charter election under First charter election. this act shall take place on the second Tuesday in April next; and it shall be held by one judge, two inspectors of election, and one clerk, in each ward; those of the first and second wards to be appointed by the present Common Council of Jersey City, and those for the third and fourth wards by the present Town Committee of Van Vorst township, and shall be

held at such place in each ward as the said body appointing such officers shall direct. And the said Common Council and Town Committee shall cause notice of the appointment of such officers and such places for holding the polls to be published for at least seven days before the day of election, in each of the public newspapers published in the city hereby incorporated; and the present Town Committee of Van Vorst, and such five members of the Common Council of Jersey City, as said Common Council shall appoint for that purpose, shall meet at the Common Council chamber, in Jersey City, on the morning of Friday next after such election, at ten o'clock, and be a board of canvassers of such election; and one of the judges of election in each of said wards shall bring, in person, to such board of canvassers the statement of the votes given in his ward, as made and certified by the board of election in such ward; and from such statements, the said board of canvassers shall then and there make a statement of the whole number of votes cast for each person voted for in said election, and shall declare the person who shall have received the greatest number of votes for any office, elected thereto; the said board of canvassers shall sign their names to said statement and declaration in duplicate, and shall forthwith publish such declaration in each of the public newspapers printed in said city, and shall deliver one copy of such statement and declaration to the Clerk of Jersey City and one to the Clerk of the town of Van Vorst.

Inhabitants not incompetent witnesses in trials where city is party.

74. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the Mayor and Common Council of Jersey City is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness, or juror, by reason of his being an inhabitant, freeholder, or freeman of the said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial.

Election to be held for adoption or rejection of charter.

75. *And be it enacted*, That this act shall be suspended, and have no further force or effect, if the assent of a majority of the electors of Jersey City, or a majority of the electors of the

towuship of Van Vorst, who shall vote thereon, shall be refused, and for that purpose a poll shall be opened in Jersey City and in the township of Van Vorst on the twenty-seventh day of March next, at the hour of seven o'clock in the forenoon, and kept open till the hour of seven o'clock in the afternoon of that day, under the direction of the judges of the last election in the said city and township, respectively, and at the place in each township where the last election was held, of which time and place the Mayor and Common Council of Jersey City and the Township Committee of Van Vorst shall give at least one week's previous notice in both the newspapers printed and published in Jersey City; and the electors entitled to vote in either place for town officers, who may vote, shall express their assent or refusal of this act, by depositing their ballots in a box provided for the purpose in said city and township; and the electors who are in favor of this law shall each deposit a ballot containing the word "Charter," written or printed thereon, and the electors who are opposed shall each deposit a ballot with the words "No charter," written or printed thereon; and a canvass and return of the votes shall be made by the said judges to the Township Committee of Van Vorst and to the Mayor and Common Council of Jersey City, respectively, and published in the newspapers above mentioned; and if a majority, in either place, of the electors who shall vote at such election shall vote "No charter," then this act shall not be of any further force or effect; and the present Mayor and Common Council of Jersey City, and all the officers of said city, and the Town Committee of Van Vorst, and all township officers, shall continue in office, and have all the powers and authority now vested in them by law, until the Common Council first elected under this act shall be sworn into office and organized, from which time said two present corporate authorities shall cease and determine, except so far as provided for in this act, or necessary to carry out its provisions.

76. *And be it enacted*, That all acts in relation to Jersey City and the township of Van Vorst, inconsistent with the provisions of this act, are hereby repealed; but the repeal shall

Former acts repealed.

not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues to which the said city or township, or any person or persons, is or are entitled by virtue thereof.

Justices of the peace and commissioners of deeds.

77. *And be it enacted*, That the present justices of the peace and commissioners for acknowledgment and proof of deeds, for Jersey City and Van Vorst, shall continue in office for the residue of their terms, as justices and commissioners, respectively, in that ward in which they respectively reside at the passage of this act.

Act may be repealed.

78. *And be it enacted*, That the legislature may at any time alter, amend, or repeal this act; and this act shall be a public act, and take effect immediately.

Vested rights of persons and incorporations.

79. *And be it enacted*, That nothing in this act contained shall be constructed to interfere with or impair the vested rights and privileges of any person or corporation whatever, except as to property taken for public use upon compensation, as provided for in this act.

Approved March 18, 1851.

State of New Jersey.

AN ACT

For the appointment of Commissioners in relation to supplying the townships of Hoboken, Van Vorst, and the city of Jersey City, with pure and wholesome water.

PASSED MARCH 18th, 1851.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That Edwin A. Stevens, Edward Coles, Dudley S. Gregory, Abraham L. Van Boskerck, and John D. Ward, shall constitute a Board, to be known as the Water Commissioners for the aforesaid places. Names of Commissioners.

2. *And be it enacted*, That it shall be the duty of the said Commissioners to examine and consider all matters relative to supplying the said townships of Hoboken, Van Vorst and Jersey City with a sufficient quantity of pure and wholesome water for the use of their inhabitants, and the amount of money necessary to effect that object. To make examinations and estimates.

3. *And be it enacted*, That the said Commissioners shall have power to employ engineers, surveyors, and such other persons as in their opinion may be necessary to enable them to fulfil their duties under this act. Have power to employ surveyors, &c.

4. *And be it enacted*, That the said Commissioners shall make a report of their proceedings under this act, which shall contain their opinion as to the best plan of furnishing the city To make report of their proceedings and reasons for their opinions

of Jersey City and the said townships of Van Vorst and Hoboken with a sufficient supply of pure and wholesome water, and an estimate of the expense of carrying such plan into effect; also the reasons and calculations upon which such opinion and estimate may be founded, and generally all such information connected with the object of their appointment, as they may deem important.

Copy of report to
be presented to
the Mayor and
Common Council
of Jersey City.

5. *And be it enacted*, That the said Commissioners shall present a copy of the said report to the Town Committees of the said townships of Hoboken and Van Vorst, and to the Mayor and Common Council of Jersey City, on or before the first day of December, in the year eighteen hundred and fifty-one, and their said report shall be made and presented by them to the Legislature on the second Tuesday of January, eighteen hundred and fifty-two.

Expenses by
whom to be paid.

6. *And be it enacted*, That all reasonable expenses to be incurred under this act shall be paid by the aforesaid places equally, but no compensation to be paid or allowed to the said Commissioners for their services.

State of New Jersey.

AN ACT

To authorize the construction of works for supplying Jersey City and places adjacent, with pure and wholesome water.

WHEREAS, by an Act of the Legislature, passed eighteenth Preamble.
March, eighteen hundred and fifty-one, certain Commissioners were appointed to examine and consider all matters relative to supplying Hoboken, Van Vorst and Jersey City, with a sufficient quantity of pure and wholesome water, for the use of their inhabitants, and the amount of money necessary to effect that object; and the said Commissioners having performed the duties assigned to them, and made a report of their examinations, together with an opinion, founded upon careful surveys and estimates, made by experienced engineers, that a sufficient quantity of pure and wholesome water for the use of the inhabitants of Jersey City, and parts of the townships of Bergen, North Bergen and Hoboken, may be obtained at such reasonable cost as will render the acquisition thereof advantageous; and the Mayor and Common Council of Jersey City, and sundry others interested therein, having petitioned for the passage of an act to authorize the construction of works for that purpose; therefore,

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That the Mayor and Common Council of Jersey City, be, and hereby are authorized, in the manner hereinafter provided, to take and convey into and through Jer-
Common Council of Jersey City authorized to take water from Passaic river.

sey City, and such other places adjacent thereto, as may desire the same, such portion of the water of Passaic river flowing between the villages of Acquackanonk and Belleville, as may be required to furnish the inhabitants of the said city, and others residing adjacent thereto, with a sufficient quantity of pure and wholesome water for domestic and other purposes.

To be done by Board of Water Commissioners, who may employ engineers, surveyors, &c.

2. *And be it enacted*, That all authority granted or given by this act, shall be exercised exclusively by and through a Board of Commissioners, to be appointed as hereinafter directed; and in pursuance of this authority, the said Commissioners may employ all proper engineers, surveyors, clerks, and other agents and assistants, necessary or convenient for accomplishing the purpose contemplated by this act, and may enter upon any land or water for the purpose of making surveys and examinations for the same.

Land may be taken.

3. *And be it enacted*, That the said Commissioners shall, for and in the name of "The Mayor and Common Council of Jersey City," take and hold any lands or other real estate, necessary for the construction of any canals, aqueducts, reservoirs, or other works for conveying or containing water, or for the erection of any buildings or machinery, or for laying any pipes or conduits for conveying the water into or through the said places, or to secure and maintain any portion of the works; and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act; and may distribute the water throughout the corporate limits of Jersey City, and through such portions of the townships of Bergen, North Bergen, Hoboken and other places, as the inhabitants thereof may desire.

Water may be distributed in Jersey City, Bergen, N. Bergen, Hoboken, and "other places."

How disagreement for land to be settled.

4. *And be it enacted*, That in case of any disagreement between the Commissioners and the owner of any lands or water rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant or a married woman, or insane, or shall be absent from this State, the Circuit Court in and for the county of Hudson, shall, on the application of either party, nominate and appoint three disinterested persons, to examine

such property, and estimate the value thereof, or damage sustained thereby; and who shall, after reasonable notice to the parties, of the time and place where they will be heard in relation to the matter, proceed without delay, to make their report thereon, and deliver the same to the Court at the next session thereof, which shall be held in the said county.

5. *And be it enacted*, That whenever such report shall be confirmed by the Court aforesaid, the Commissioners shall within two months thereafter, pay to the said owner or to such person or persons as the Court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and thereupon the Mayor and Common Council of Jersey City, shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken, or the damage suffered. Money therefor paid into Court.

6. *And be it enacted*, That the Commissioners, in behalf of the Mayor and Common Council of Jersey City, and all persons acting under their authority, shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley or court, within this State, for the purpose of constructing the works contemplated by this act, on condition that they shall cause the surface of such road, railroad, highway, street, lane, alley or court, to be restored to its original state, and all damages done thereto to be repaired, and all damages to any company, by any interruption of travel while the work is constructing, to be paid unto them. Pipes may be conveyed under roads.

7. *And be it enacted*, That all contracts for materials, or for the construction of the work, shall be made in writing, and of each contract three copies shall be taken, which shall be numbered with the same number and endorsed with the name of the contractor, and a summary of the work to be done or materials furnished; one of such copies shall be deposited with the Comptroller of Jersey City, or such other officer as the Common Council may direct, and one shall be retained by the Commissioners. Contracts for work to be in writing. Three copies.

Advertise for
sealed proposals.

8. *And be it enacted*, That public notice shall be given of the time and place at which sealed proposals will be received for entering into contracts, by publishing the same in all the newspapers published in the county of Hudson, and in one or more newspapers published in the city of New York, for at least twenty days; and all proposals for contracts shall be for a sum certain, as to the price to be paid or received; and no proposition which is not thus definite and certain, or which contains any alternative, condition or limitation as to price, shall be received or acted upon; nor shall more than one proposition be received from any one person for the same contract, directly or indirectly; and all the propositions of any persons offering more than one, shall be rejected; and every person or persons proposing as aforesaid, shall accompany such proposition with a bond, to be approved by the Commissioners, conditioned to faithfully carry into effect his or their proposition, if accepted.

Contractors to
give security.

9. *And be it enacted*, That every person who shall enter into any contract with the Commissioners, for the supply of materials or the performance of any work or labor, shall give satisfactory security for the faithful performance of his contract, according to its terms; and no Commissioner shall be interested, directly or indirectly, in any contract relating to said work.

Commissioner
not to be inter-
ested.

Materials to be
exempted from
execution.

10. *And be it enacted*, That all materials procured or partially procured, under contract with the Commissioners, shall be exempt from execution; but it shall be the duty of the

How claim to be
paid.

Commissioners to pay the moneys due to such contractor, for such materials, to the judgment creditor of the contractor, under whose execution such materials might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held as valid payment on the contract.

Stock created for
expenses and
cost of surveys
and providing wa-
ter, \$600,000.

11. *And be it enacted*, That for the purpose of defraying all the expenses and the cost of such lands as shall be taken or purchased for the purposes of this act, and for constructing all works necessary to the full accomplishment thereof, and all expenses incidental thereto, and for the payment of all neces-

sary expenses incurred in making the examinations, directed by the act approved the eighteenth day of March, eighteen hundred and fifty-one, the said Board of Commissioners shall have authority to issue in the name of the said Mayor and Common Council of Jersey City, notes or scrip, or certificates of debt, to be denominated on the face, "Jersey City Water Scrip," to an amount in the whole not exceeding six hundred thousand dollars, bearing an interest not exceeding six per cent. per annum, and said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods not less than fifteen, or more than fifty years from date; and the Commissioners may sell the same, at public or private sale, at such times as the proceeds thereof may be required for the construction of the works, or may pledge the same, for money borrowed at a higher rate of interest, if in their opinion, the necessities of the work require such proceeding; and in addition to the said sum of six hundred thousand dollars, the Commissioners may issue and dispose of scrip in the manner hereinbefore provided, to meet all payments of interest accruing upon any scrip by them issued as aforesaid—Provided, however, that no such scrip shall be issued by the Commissioners, after the expiration of one year from the time that the works are so far completed, as to furnish one million gallons of water per day; and the payment of all interest accruing after that time, beyond the amount which may be paid from the rents received for the use of the water, shall be provided for and paid by the Mayor and Common Council of Jersey City, who are hereby authorized and required to raise and assess for that purpose, by tax, such amount as may be necessary, above the other taxes authorized by law; and Provided, also, that no notes or scrip, or certificates of debt, shall be sold at public or private sale, for less than the par value thereof, nor shall any higher rate of interest be paid for any sum of money borrowed on a pledge of said scrip, than at the rate of seven per cent. per annum; and Provided, further, that the work authorized or contemplated by this act, shall not be commenced by the said Commissioners, until at least one half of the whole amount of money required for the said work, shall be first had or secured; all certificates issued as aforesaid, shall be signed by the Commissioners, or a majority of them, and countersigned

Interest 6 per ct.
payable semi-annually.

Duration of debt
15 to 50 years.

How to sell or
pledge same.

Additional scrip
for interest.

Corporation after
work completed,
to tax for deficiency of interest.

One-half of cost
to be secured before contracted.

Commissioners
and Mayor to sign
certificates.

Record.

by the Mayor of Jersey City; and a record of all certificates issued or disposed of, shall be kept by the Commissioners, and copies of such record shall be made and delivered to the Treasurer of Jersey City. All moneys received by the Commissioners, shall be deposited by them in some bank or banks of good credit in the State of New Jersey or in the city of New York, and be made payable to the joint order of the President, and at least two other members of the Board only.

Money how deposited and drawn.

Commissioners to keep books.

They and clerks to be sworn.

To report January and July.

Commissioners to regulate use of water, and fix price.

Who to pay water rent.

A lien.

12. *And be it enacted*, That the Commissioners shall keep regular books of accounts, and books for recording the whole of their official proceedings; and the said Commissioners, and the clerks employed in their service, shall be sworn to the faithful performance of their duties; and all such books shall be open to the examination of any person or persons appointed for that purpose by the Mayor and Common Council of Jersey City; the Commissioners shall also on the first Tuesday in January, and the first Tuesday in July of every year, make a report to the said Mayor and Common Council, of the condition of the works under their charge, accompanied by a statement of their receipts and expenditures on account of the same.

13. *And be it enacted*, That the Board of Commissioners, for the time being, shall regulate the distribution and use of the water in all places, and for all purposes where the same may be required, and from time to time shall fix the price for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places as they shall see fit, and direct in what manner and for what purposes the same shall be used; all which they may change at their discretion—Provided that all hydrants, conduits, or other appliances, required and furnished for the purpose of extinguishment of fires, shall be placed as the Mayor and Common Council of Jersey City shall direct, and shall be under their exclusive control and direction.

14. *And be it enacted*, That the owner and occupier of any house, tenement or lot, shall each be liable for the payment of the price or rent fixed by the Commissioners for the use of the water by such occupier, and such price or rent so fixed, shall be a lien upon said house, tenement or lot, in the same way and manner as other taxes, assessed on real estate in Jersey

City, are liens, and shall be collected in like manner, if not previously paid to the Commissioners.

15. *And be it enacted*, That the said Commissioners shall make no contracts for the price of using the water, for a longer term than three years, and at the expiration of any term or lease, the price for the use thereof, shall be adjusted according to the regulations then established.

No contract for water to exceed three years.

16. *And be it enacted*, That it shall be the duty of the said Commissioners to fix the price which shall be assessed upon each house or other building, and upon vacant lots situated upon streets, lanes, alleys or courts, that have been actually opened, or parts thereof, through or into which, distributing pipes may be laid; and such prices shall be fixed with reference to ultimately paying from the proceeds thereof, the interest and principal of "The Jersey City Water Scrip" afore-said, and the net proceeds of the water rents, after paying all expenses for maintaining the works and distributing the water, and salaries, wages and incidental charges, shall be applied first to the payment of the interest upon the debt created for constructing the works, and next to the purchase of the scrip issued therefor, if the same can be obtained at reasonable prices, or if that cannot be effected, then to be safely invested and allowed to remain as a sinking fund, to be applied to the redemption of the scrip at its maturity.

Commissioners to fix tax on buildings and vacant lots.

How applied.

Surplus to be a sinking fund.

17. *And be it enacted*, That when the said Commissioners shall certify to the Mayor and Common Council of Jersey City, that the works contemplated by this act, are so far completed that the inhabitants thereof may be regularly supplied with a sufficient quantity of pure and wholesome water for domestic use, then the Mayor and Common Council of Jersey City shall instruct the assessors of the said city to assess annually upon all grounds within their limits, which are liable to taxation, a special tax, at the rate of two cents for each one hundred square feet of their surface; and the said special tax shall be a lien upon the lands so taxed, in the same manner as other taxes assessed on real estate in Jersey City are liens, and shall be collected in like manner—which amount shall be collected and applied to the payment of interest upon the water scrip, until the water rents authorized to be collected by this Act,

When works completed for delivery of water, an assessment to be made annually of two cents on 100 square feet of territory, until water rents pay interest.

shall amount to a sum sufficient to pay such interest as it accrues; after which the tax shall cease to be levied.

Disposal of surplus.

18. *And be it enacted*, That when the scrip shall all be paid and cancelled, so much of the income derived from the works as may be necessary therefor, shall be applied by the Commissioners to the payment of salaries, wages, the cost of repairs, and other current expenses required for keeping the whole in good order and successful operation, and making such additions thereto as the wants of the citizens may require; and all moneys remaining, after making the payments necessary for the purposes above mentioned, shall be paid on the first Tuesday of each and every month, to the Treasurer, of Jersey City; and such payments shall be accompanied by written statements, showing the whole amount of money received during the preceding month, specifying from whom and for what the same was received, and also an account of all moneys paid during the month, specifying to whom and for what they were paid, which statement shall be verified by the affidavit of the Clerk of the Board of Commissioners.

A majority of Commissioners a quorum.

19. *And be it enacted*, That a majority of the said Commissioners shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of their commission; and all contracts and engagements, acts and doings of the said Commissioners, within the scope of their duty or authority, shall be obligatory upon and be in law, considered as done by the Mayor and Common Council of Jersey City; and the said Mayor and Common Council, and all real estate within Jersey City, and all goods and chattels within said city, belonging to residents thereof, shall be liable for the payment of the principal and interest that may become due on the scrip or bonds to be issued by virtue of this act.

All estates, real, and chattels, liable for principal and interest.

Water Commissioners may sue.

20. *And be it enacted*, That the said Commissioners may prosecute or defend any action or process, at law or in equity, by the name of the "Water Commissioners of Jersey City," against any person or persons, for money due for the use of the water; for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them; and also for any injury, or trespass or nuisance,

done or suffered to the water courses, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy, or the filling any vacancy in the Board of Commissioners, either before or after any cause of action arises, or suit is commenced, shall not change the right of said Commissioners, as a body, to commence or maintain such action or process at law or in equity; but in all such cases, they shall be considered from the time of the organization of the Board, as a corporation.

21. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water or any portion thereof, from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery or other property, used or required for procuring or distributing the water, such person or persons, and their aiders and abettors, shall forfeit to the said Commissioners, to be recovered in an action of trespass, treble the amount of damages which shall appear on trial to have been sustained; and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof, may be further punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the Court.

Injuring works or water, to be subject to damages, and to fine and imprisonment.

22. *And be it enacted*, That the said Commissioners shall also cause such surveys and examinations to be made as may be necessary to enable them to decide upon and recommend a suitable plan for a general system of sewers, for the whole district proposed to be supplied with water, and adapted for draining streets, houses, yards, markets, and all other places requiring to be drained, and shall estimate the probable cost of such sewers; and after such plan and estimates are made, copies thereof shall be furnished to the Town Committee of the township of Hoboken, and to the Mayor and Common Council of Jersey City, for their consideration and approval; and if said plan shall be approved, no sewer shall thereafter be constructed, either in Hoboken or Jersey City, except in conformity with the said plan, and under the superintendence of the said Commissioners, and their engineer or inspector; but the cost

Commissioners to plan a general system of sewerage.

Estimate cost.

Plan to be approved.

Commissioners to superintend works.

Assessment to be made and collected by Common Council.

of such sewers shall be assessed and collected in the same manner, and by the same authority, as the cost of sewers in those places has heretofore been assessed and collected, or in such other way as the Legislature may hereafter direct.

Works exempt from taxation.

23. *And be it enacted*, That any lands or real estate in the county of Hudson, taken, held, or occupied or used for the Jersey City Water-works, or any of the purposes thereof, shall

Land to be assessed without reference to improvements, by Water Commissioners.

be assessed and taxed in the said county, in the manner prescribed by law, at the value of the land, exclusive of any pipes, buildings, machinery, or works of any kind placed thereon; and the whole of the said works, exclusive of the land, shall be exempted from taxation.

Ward, Gregory, Bramhall, President of Common Council, and one person to be elected, to be Water Commissioners.

24. *And be it enacted*, That John D. Ward, Dudley S. Gregory, Moses B. Bramhall, the President of the Board of Aldermen of Jersey City for the time being, and one person to be elected at the next charter election held in Jersey City, shall constitute the first Board of Water Commissioners. The said Commissioners shall elect annually one of their number to be President of the Board, and shall determine by lot or otherwise, the terms during which the four of their number, other than the President of the Board of Aldermen, shall hold their offices, and these shall be as follows: one of them shall remain in office three years, one four years, one five years, and one six years—all to be computed from the first day of May next ensuing; and the President of the Board of Aldermen for the time being, shall ex-officio always be one of said Board.

To hold office, one 3, one 4, one 5, and one 6 years

Presid't of Board *ex officio*.

Election at expiration of term of office.

25. *And be it enacted*, That at the charter election to be held in said city, in the year eighteen hundred and fifty-five, and every year thereafter, there shall be elected one Commissioner, who shall hold his office for four years next ensuing such election; and any vacancies that shall occur in said commission, by death, resignation or otherwise, shall be filled by the Common Council of Jersey City; but the person or persons so appointed to fill such vacancy, shall hold his or their offices only for the residue of the term for which they may be appointed; and each of said Commissioners, except the President of the Board of Aldermen, who are appointed by this act, or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office, shall

Vacancies filled by Common Council.

Bonds to be given

give a bond of twenty thousand dollars, with two good and suf-

ficient sureties, to the Mayor and Common Council of Jersey City, and to be approved by said Mayor and Common Council, for the faithful performance of their duties as such Commissioners.

26. *And be it enacted*, That the said Commissioners shall be entitled to take and receive out of any moneys raised and appropriated for the construction of the Jersey City Water-works, such sum as the Mayor and Common Council of Jersey City shall annually fix, in full for their services, and shall also be repaid all reasonable travelling expenses incurred while employed upon the works; and they shall at their first meeting after the organization of the Board, fix and determine the proportions in which the said sum shall be paid to the several members thereof, and may at their discretion annually change such apportionment.

Pay of Commissioners, to be annually fixed by Common Council

27. *And be it enacted*, That the Mayor and Common Council of Jersey City, shall at any time remove any Commissioner, provided it shall satisfactorily appear, after reasonable notice to the parties, and hearing the causes of complaint and answers thereto, if any shall be offered, that the Commissioner whose removal is sought, has been guilty of such mal-administration, or such neglect of the duties of his office, that his removal will be right and proper; and two-thirds of all the members elected to the said Common Council shall concur in such removal.

Commissioners may be removed.

28. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

APPROVED MARCH 25, 1852.

The first Commissioners are—

JOHN D. WARD, *President*, M. B. BRAMHALL,
D. S. GREGORY, THO'S A. ALEXANDER,

With the President of the Board of Aldermen, *ex officio*.

The distance from which the water is to be brought is as follows:—

From Passaic river (pumping engine,) to Basin, on Barbadoes Neck, (an elevation of 150 feet,).....	2,600 ft.
From Basin to Hackensack river, about.....	15,000 "
Across same.....	1,200 "
From East side of river to Reservoir on Bergen hill, (about 125 feet above tide at Jersey City,).....	11,000 "
From Bergen hill Reservoir to Jersey City Ferry,.....	12,000 "
Total distance, (about $7\frac{7}{8}$ miles,).....	<u>41,800 "</u>

NAMES
OF THE
PRESIDENTS OF THE BOARDS OF SELECTMEN,
OF JERSEY CITY:
ALSO, OF THE CLERKS OF SAID BOARDS,
From 1820 to the year 1837.

Presidents of Board of Selectmen.

1820, Joseph Lyon,
1821, Joseph Lyon,
1822, Joseph Lyon,
1823, Joseph Lyon,
1824, William Lyon,
1825, Joseph Kissam,
1826, George Dummer,
1827, George Dummer,
1828, George Dummer,
1829, George Dummer,
1830, George Dummer,
1831, David C. Colden,
1832, David C. Colden,
1833, William Glaze,
1834, John F. Ellis,
1835, Robert Gilchrist,
1836, William Glaze,
1837, William Glaze,

Clerks.

Joseph Kissam,
Philip R. Earle,
Philip R. Earle,
Philip R. Earle,
Philip R. Earle,
Aa. Ogden Dayton,
Robert Gilchrist,
Robert Gilchrist,
Robert Gilchrist,
Peter McMartin,
Peter McMartin,
Peter McMartin,
Peter McMartin,
Peter Bentley,
Edmund D. Barry, Jr.
William W. Munso,
Henry D. Holt,
Henry D. Holt,

NAMES

OF THE

MAYORS AND CLERKS OF JERSEY CITY, TO THE YEAR 1850.

Mayors.

1838, Dudley S. Gregory,
1839, Dudley S. Gregory,
1840, Peter McMartin,
1841, Dudley S. Gregory,
1842, Thomas A. Alexander,
1843, Peter Bentley,
1844, Phineas C. Dummer,
1845, Phineas C. Dummer,
1846, Phineas C. Dummer,
1847, Phineas C. Dummer,
1848, Henry J. Taylor,
1849, Henry J. Taylor,
1850, Robert Gilchrist,

Clerks.

Henry D. Holt,
Thomas W. James,
Henry D. Holt,
Henry D. Holt,
Henry D. Holt,
Henry D. Holt,
Henry D. Holt,
Edgar B. Wakeman,
Edgar B. Wakeman,
Edgar B. Wakeman,
John H. Vorhees,
John H. Vorhees,
John H. Vorhees, and
George W. Cassedy.

NAMES

OF THE

Chairmen of the Township Committees OF THE TOWNSHIP OF VAN VORST,

From the organization of said Township in the year 1841.

AND ALSO OF THE TOWN CLERKS OF SAID TOWNSHIP.

Chairmen.

1841, Cornelius Van Vorst,
1842, Cornelius Van Vorst,
1843, Cornelius V. Traphagan,
1844, Andrew Anderson,
1845, Cornelius V. Traphagan,
1846, Andrew Anderson,
1847, Andrew Anderson,
1848, Barzillai W. Ryder,
1849, Andrew Anderson,
1850, Joseph Kissam,

Clerks.

Stephen H. Lutkins,
Stephen H. Lutkins,
Andrew Anderson,
Earl B. Sippell,
E. W. Kingsland,
E. W. Kingsland,
E. W. Kingsland,
E. W. Kingsland,
E. W. Kingsland,
E. W. Kingsland,

Jersey City and the Township of Van Vorst, were united under a city charter, and by the name of the city of Jersey City, in the year 1850; and said city is composed of four wards, each ward electing four Aldermen, holding office for two years, and two to be elected in each year.

The Mayors and Clerks of said city are as follows:

<i>Mayors.</i>	<i>Clerks.</i>
1851, Robert Gilchrist,	George W. Cassedy,
1852, David S. Manners.	George W. Cassedy.

The names of the persons composing the Common Council of said city, are as follows:

1851.

<i>First Ward.</i>	<i>Third Ward.</i>
James S. Davenport,	Cornelius P. Brokaw,
George S. Gardner,	Edmund W. Kingsland,
Joseph W. Hancox,	George McLaughlin,
Alexander H. Wallis.	Cornelius Van Vorst, Jr.
<i>Second Ward.</i>	<i>Fourth Ward.</i>
Stephen D. Harrison,	William Gaul,
Alexander Wilson,	Jonathan D. Miller,
Justus Slater,	Louis B. Cobb,
David S. Manners.	Samuel Wescott.

1852.

<i>First Ward.</i>	<i>Third Ward.</i>
Alexander H. Wallis,	Cornelius P. Brokaw,
George S. Gardner,	John H. Low,
James Narine,	Cornelius Van Vorst,
Frederick B. Betts.	George Ford.
<i>Second Ward.</i>	<i>Fourth Ward.</i>
Stephen D. Harrison,	Jonathan D. Miller,
Alexander Wilson,	Henry Barrow,
Joseph G. Edge,	Cornelius V. Traphagan,
John H. Lyon.	Richard R. Rappleyea.

Charter to the Town and Freeholders of Bergen,

Dated 22d day of September, A. D. 1668.

This Deede Witnesseth of Charter granted to the Towne and Freeholders of Bergen, and to the Vilages and Plantations thereunto belonging, cituated and being in the Province of New Cesarea or New-Jersey: By Honble. Capt. Philip Carteret Esqr. Governour of the said Province, and his Counsil under the Right Honble. John Lord Berkeley Barron of Stratton, and Sr. George Carteret Knt. and Baronet, the absolute Lords Proprietors of the same, Containing the Limitts and bounds of the Juridiction of the said Towne together with the immunities and Priviledges thereunto belonging and appertaining as followeth—

Imprms. The Bounds and Limitts of the aforesaid Towne and Corporation of Bergen is to begin at the North end thereof, from a place called Mordavis Meadow, lying upon the West side of Hudson's river, from thence to run upon a N. W. lyne by a Three rail fence that is now standing to a place called Espatin, and from thence to a little Creek surrounding N. N. W. till it comes into Hackinsack river, containing in Bredth from the top of the Hill $1\frac{1}{2}$ miles or 120 chains, from thence it runs along the said Hackinsack river upon S. S. W. lyne till it comes to the Point or neck of Land that is over against Stat-ten Island and Shooter's Island in Arthur Cull Bay, containing in length about 12 miles, from thence to run Eastward along the River called Kill Van Cull that parts Staten Island and the Maine to a point or neck of Land called Constable's Point, or Constable's houck, and from thence to run up Northward all along the Bay up into Hudson's river till it comes to Mordavis Meadow aforesaid; So that the whole tract of upland and Meadow property belonging to the Juridiction of the said Town and Corporation of Bergen is bounded at The North end by a tract of Land belonging to Captn. Nicho. Verlett and Mr. Samuel Edsall. On the East side by Hudson's river, on the South end by the Kill Van Cull, that parts

Staten Island and the Maine, and on the West side by Arthur Cull Bay and Hackinsack river, as it is more plainer demonstrated by a draught thereof, made by the Surveyor General, hereunto annexed : The whole, both of upland and Meadows, and Waist land, containing according to the Survey" 11520 Ares English measure ; Which said Limitts and bounds, together with all the Rivers, Ponds, Creeks, Islands, Inlets, Bays, Fishing, Hawking, Hunting, and all other appurtenances whatsoever thereunto belonging and appertaining. The half part of Golde and Silver Mynes, and the Royaltie of the Lords Proprietors only Excepted, to continue and remain within the Jurisdiction, Corporation or Township of the said Towne of Bergen, from the day of the date hereof and forever : The said Corporation submitting themselves to the Authority of the Lords Proprietors and the Government of this Province. To be holden by them, the said Corporation or Towneship, their heirs and successors, as of the Manner of East Greenwich, in free and common Socage.

2dly. That all the Freeholders of said Corporation or Towneship are hereby jointly and severally obliged to Pay or Cause to be paid to the said Lords Proprietors, their heires and Successors, or to their Receivers General, within the said Province, on every 25th day of March, according to the English Accompt, the sum of Fifteen Pounds Sterling, of good and Lawful money of England, or the Value thereof, in good and Current pay of the Country, as a Quit rent due to them for the whole said tract of Land above mentioned, in lieu of the $\frac{1}{2}$ d. Pr. acre, mentioned in the Concessions, which Payment is to begin on the 25th day of March, which shall be in the Year of our Lord 1670, and so to continue forever, without any charge to the said Lords Proprietors or their Agent ; and that all Pattents for land herebefore Granted, or to be Granted within the said Limitts are to be accompted upon the aforesaid Rent of Fifteen Pounds Sterling pr. annum.

3dly. That all Freeholders living and Inhabiting, within the said Jurisdiction, Corporation or Towneship, wether within the said Towne of Bergen, Comunipau, Ahassimus, Minkacque, Prenbrepock, or upon any other Plantation within the said Limitts shall be deemed and accompted for Freeman of the

said Corporation or Towneship, and having taken the oath of Aleagance to the King, and Fidelity to the Lords Proprietors, are to have a Free Voice in Election, and to Enjoy All the Rights, Imunities, and Priviledges hereby Granted unto the said Corporation or Towneship.

4thly. That the Freeholders aforesaid, or the Major Part of them, are upon the Governor's Summons to make Choice of two Deputies to Join with the General Assembly for the making of Laws, and Carring on the Public Affairs of the whole Province.

5thly. That the Freeholders aforesaid, or the Major part of them have Power to chuse their owne Magistrates to be assistants to the President or Judge of the Court, and for the ordering of all Publig Affaires within the said Juridiction. Provided that one of the said Magistrates is to be chosen out of the Freeholders of Minkackque or Pembrepock. They have Power likewise to nominate their Justice or Justices of the Peace and their Military Officers, Provided that the Justices of the Peace and Military Officers are to be aproved of and commissioned by the Governor.

6thly. That the Freeholders aforesaid, or the Major Part of them, have Power to chuse their own Minister for the preaching of the Word of God, and the Administering His Holy Sacraments, and being so chosen, all Persons, as well the Freeholders as the Inhabitants, are to contribute according to to their estates and proportions of Land for his maintenance or Lay out such a proportion of Land for the Minister, and the keeping of a Free School for Education of Youth as they shall think fit, which land being once laid out is not to be alienated but to Remaine and continue forever from one incombant to another, Free from Paying of any hye Rent, or any other Rate or Taxes whatsoever, notwithstanding it shall and may be lawful for any perticular person or persones to keep and Maintain any other Minister at their own Proper Cost and Charges.

7thly. That in Religious Concerns and the Way of Wer-shipping of God there is Liberty of Conscience Granted to all Persons in Generall, as well to the Freeholders as to others that are or shall be admitted Inhabitants within the said Cor-

poration or Township, they taking or Subscribing the Oath of Aleagance to the King, and fidelity to the Lords Proprietors and their Successors, and that no Person whatsoever shall be Injured, Molested, or Troubled for his or her difference in opinion in matters of Religion. Provided that this Liberty Granted shall not extend to Licenciousness, or the Disturbance of others and the Publick Peace.

8thly. That the Freeholders aforesaid or the Major part of them have Power to admit of their own Inhabitants, and to divide all Proportions of Land as are within their Bounds and Limitts aforesaid, that are not already appropriated and Patented by particular persons, before the day of the date hereof, According to their Allotments and Estates, as the Justices and Magistrates shall in their Wisdoms and Discretions think fit, which Lands being so divided, every man's proportion is to be surveyed, butted and bounded by the Surveyor, and the same to be recorded by the Secretarie and Recorder General of the Province, or by Eyther of them, which proportions and Allotments being so Surveyed and Recorded after two yeares In possession, shall not be subject to any Resurvey, nor Alterations of Bounds, but shall remain according to the first survey for ever. And for the better avoiding of all Frauds and Sutes at Law, all Mortgages, Transports, Sales and Leases for above the Terme of One Yeare, and all other contracts concerning Houses or Lands are to be recorded by the Secretary as aforesaid, for the Neglecting thereof all such contracts as aforesaid are to be void, and of no Effect in Law.

9thly. That all Lands and Meadows that are appropriated and pattented by particular persons before the day of ye date of these presents shall continue and remain unto them without any alteration, unless the Proprietors thereof will give their Consent to the Contrary.

10thly. That the Freeholders and Inhabitants of the said Corporation shall have a Free Trade allowed them, and that no Tax of Custome Excise or any Imposition whatever shall be imposed on them but such as shall be levied by the Governor and Councill and General Assembly, for the defraying of the Public Charges and the Maintainance of the Government. And that all Rates and Assessments relating to the said Cor-

poration or Towneship shall be rated and levied by their Justices and Magistrates or whom they shall appoint.

11thly. That in case of Invasion or Insurrection by the Indians or others, they are mutually, as well the Freeholders as all other Inhabitants, to Join with all other Townes and Plantations within the said Province for the defence and safety of the Same, but no Warr to be levied without the consent of the Governor, Councill and Generall Assembly.

12thly. That all Freeholders aforesaid, or the Major part of them, have power annually on every first day of January, or at any other set tyme as they shall appoint, to chuse one or more Constables for the Public Service, which said Constable or Constables are to be sworne in their office by the Justice of Peace according to the Oath prescribed.

13thly. That all the Freeholders and others, the Inhabitants aforesaid, are to submit themselves to the Laws and Government of the Province, and to swear or subscribe to the Oath of Aleagence to the King, and Fidelity to the Lords Proprietors. And in case they or any of them have a desire to remove and Transport themselves to any other place, they have liberty so to do, and dispose of their Lands and Estates to their best Advantages.

14thly. That the said Corporation or Towneship have Power to Errect and Ordaine a Court of Judicature within their own Jurisdiction, and for the Limitts thereof for the Tryall of all causes Actionable between party and party, from whence there shall be no Appeal under the Sum of Five Pounds Sterling, and also for the Tryall of all criminall and causes of Misdemeanor, and to Inflict such Fines and Punishments as the Merit of the cause shall require, as by Imprisonment, Stocking, Piloring, Ducking, Branding, Wipping not Exceeding twenty stripes, and the like, Which Court is to consist of a President, who is to be a Justice of the Peace, and If the Magistrates, or any two of them at the least, a Clarke, and such other officers as they shall appoint, which said Magistrates and Clarke are to be sworne in their offices, and the Clarke to be approved of by the Secretary General of the Province, who is to keep an Exact Record of all actions that shall be brought in and tryed in the said Court, and to give an account thereof

unto him when thereunto required by the Governour and his Councill. No Freeholder is to be arrested or detained a Prisoner for debt until Judgement be passed and Execution granted, unless it can be made to appear that the party has an Intent to defraud his Creditors by running out of the Country. That all persons, as well Freeholders as other Inhabitants, in Case of Appeal, the Appellant shall give in security to prosecute his Appeal, or stand to the Judgement of the Court. All causes according to the Laws of England shall be tried by a Jury of six or twelve men, and whomsoever shall trouble and molest his neighbor, being of the same Corporation, by arresting of him and going to Law in another Jurisdiction, shall be liable to a Fyne according to the discretion of the Court. The Justice or Justices of the Peace being Commissioned and sworne in their office, have power to Administer the oath of Aleagance and Fidelitie, and all other Oaths that are required by the law, and to issue out in His Majestie's name, or in whose name or names It shall or may hereafter be appointed by the Lawes, their Warrants of Summons; and arrest within the limitts and Jurisdiction of the said Corporation or Towneship, directing the same to the Constable, Marshall, or what other Officer or Officers the said Corporation shall in their discretion think fit to appoint for that Service, who are to put the same in Execution accordingly, and also to Issue out their Warrants for the apprehending of all Malefactors and Runawayes, and to prosecute them by way of Hugh and Cry, and to do all such thing and things by their authority according to Law and Justice as may conduce to the Peace and well Government of the said Province, Corporation and Towneship. Provided that all Fynes are to be disposed of for Charitable or public uses. It is to be noted that whereas it is said in the Eight article that all Morgages, Transports, Sales and Leases of Land are to be recorded by the Secretary, they are first to be acknowledged before the Governor or a Justice of the Peace by the Granter, or by two good Sufficient Witnesses, Attested on the backside of the aforesaid deed, which is a Warrant for the Secretary to record the same.

In Confirmation of the premises, Wee the said Governor and the Councill have hereunto set our hands the 22nd day of

Septembr. 1668, and the 20th year of the Reign of our Sovn. Lord, Charles the Second of England, Scotland, France and Ireland, King, Defender of the Faith, &c: and the Seale was placed by consent before signing.

“PH. CARTERETT,

ROBERT VANGUELLEN, NI. VARLETT, SAMUEL EDSALL,
ROBERT BOND, WILLIAM PARDON, JAMES BOLLEN, Secretary
and of the Council.

STATE OF NEW JERSEY:

An Act to Incorporate “The Associates of the Jersey Company.”

Whereas it is represented to this Legislature, that RICHARD VARICK, JACOB RADCLIFF, and ANTHONY DEX, have become the proprietors, by purchase, from *Cornelius Van Vorst*, of all that certain tract or parcel of land and meadow, situate, lying and being in the township of Bergen, county of Bergen, and State of New Jersey, commonly called Powles' Hook; bounded on the east by Hudson's River; on the North by said river, or the bay commonly called Horsimus Bay; on the South by said river, or the bay commonly called Communipau Bay; and on the West by a line drawn from a stake, standing on the West side of the small creek, on the Southwest side of the said tract, (from which stake, the flag staff on Ellis's Island bears South, one degree twenty minutes East, and from which the chimney of the house of Stephen Vreeland, on Kaywan, bears South, fifty-six degrees ten minutes West, and from which the steeple of the Bergen Church bears North, fifty degrees twenty-five minutes West;) North twenty-six degrees thirty minutes, East to Horsimus Bay aforesaid: Together with the right of Ferry from the said tract or parcel of land, across Hudson's River and elsewhere, and the right and title of said Cornelius Van Vorst, under the water of the Hudson River, and the bays aforesaid, opposite the said premises, as far as the right of the

said Cornelius Van Vorst extends. And whereas it is represented, that the said Richard Varick, Jacob Radcliff, and Anthony Dey, have divided all the said premises into ONE THOUSAND original shares, and have, by certain articles of agreement, associated and become associates in interests with divers other persons in the said shares, and the said associates having presented a petition to the Legislature, praying to be incorporated for the purposes hereinafter contained, and such prayer appearing reasonable :

§ 1. *Be it therefore enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Richard Varick, Jacob Radcliff, and Anthony Dey, and the said other persons interested with them in the said premises as aforesaid, shall be, and hereby are constituted a body corporate, by the name and style of “THE ASSOCIATES OF THE JERSEY COMPANY,” and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts of law and equity, and in all actions and matters whatsoever, and may have a common seal, and renew and alter the same at their pleasure, and by the same name shall be, and hereby are made capable in law, to have, hold, purchase and enjoy to them and their successors, lands, tenements, and hereditaments, goods, chattels and effects, of what nature or kind soever, and the same to grant, demise, alien or dispose of at pleasure, for the benefit of the said associates and their legal representatives, in proportion to their respective shares as aforesaid: *Provided,* That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall only be the said tract and premises herein before described, with the privileges and appurtenances aforesaid, and such as shall have been bonafide mortgaged to the said corporation by way of security, or conveyed to it by way of satisfaction, for debts previously contracted, or purchased at sales upon judgments which shall have been obtained for such debts.

§ 2. *Be it further enacted,* That the said associates and their successors, shall have power to make and lay out all streets and squares upon all and every part of the said premises, and to establish such as have already been laid out, and from time

to time to regulate the same, and to direct and govern the levelling, pitching and constructing of the said streets, and the raising and the levelling of all lots and grounds for buildings, as well public as private; and to order and regulate the building of all docks, piers and wharves, and all store-houses and buildings thereon, and generally to make such by-laws, orders and regulations, touching all and singular the said matters, not inconsistent with the constitution and laws of this State, and of the United States, as to them shall appear proper and necessary, and to enforce the same by any penalty or penalties which they may prescribe or direct, for any breach or offence against the same, not exceeding twenty-five dollars for any one offence, to be sued for and recovered in any court of this State having cognizance thereof, in the name of the said corporation, and for* the use and benefit of the said company: *Provided*, That the powers granted by this section shall cease, whenever the Legislature shall deem it expedient to institute a more adequate and complete corporation for the purposes above expressed.

To regulate the building of docks, &c.

Make by-laws.

Proviso.

§ 3. *And be it further enacted*, That the said associates shall have the privilege of erecting or building any docks, wharves and piers, opposite to and adjoining the said premises in Hudson's River and the bays thereof, as far as they may deem it necessary for the improvement of the said premises, or the benefit of commerce, and to appropriate the same to their own use.

Build docks, &c.

And whereas it is represented, That the legal title of all and singular the said premises, is now vested in the said Richard Varick, Jacob Radcliff, and Anthony Dey, in trust for themselves and the said other persons associated with them as aforesaid, and it is represented to the Legislature, that the purchase of the same from the said Cornelius Van Vorst, his heirs and assigns, an annuity of six thousand dollars by a mortgage of the said premises, payable in quarter yearly payments, from and after the first day of May next, and that the said Cornelius Van Vorst will not consent to any other security for the same, nor accept a principal sum adequate to the annual product thereof, but hath lately, for himself, his heirs and assigns, cove-

* The Legislature has since established a corporation for the purposes above expressed.

wanted to accept from the purchasers of lots in the said tract, their heirs and assigns, the ground rents charged on the same by the associates, towards the payment of the said annuity upon certain terms and conditions agreed upon by him and them, and that on payment of the same to him, his heirs and assigns, such lots shall be discharged from any further responsibility on account of the said annuity :

And whereas it is represented, That the said associates have proceeded to make valuable improvements on the said premises, and are desirous to sell and dispose of a part of the same, for the purpose of further settling and improving the same, and to provide by means of such ground rents, an ample fund for the payment of the said annuity, and the security of purchasers, and to vest the whole of the said premises in the said corporation : And whereas, The settlement and improvements so made and intended to be made, promise to be of essential advantage to the commercial interests of this State :

§ 4. *Be it therefore further enacted*, That it shall be lawful for the said Richard Varick, Jacob Radcliff, and Anthony Dey, their heirs and assigns, to grant and convey all and singular the said premises, with the privileges and appurtenances thereto belonging, to the said corporation and their successors and assigns, in trust for the said associates, and that the said corporation and their successors shall, in convenient and reasonable time, proceed to sell and dispose of ~~so many~~ of the lots laid out, or to be laid out on the said premises, charging each lot so sold with a reasonable and annual value as shall produce in the aggregate by means of the rents so reserved, a sufficient fund for the annual payment of the said annuity, or such part thereof as shall remain due and unextinguished, and that such fund, or such part thereof as shall be necessary for that purpose, shall, in the first instance, be applied yearly and every year to the payment of the said annuity, or so much thereof as shall be due and unextinguished, and that the surplus of such rents in each year only, if there be any, shall be divided among the said associates, or their legal representatives, until the said annuity shall be released or extinguished ; and in case the same shall at any time be released or extinguished in part, that then a rateable proportion ; and if released or extinguished in the whole, then the whole of the said fund arising or to arise from

Shall sell lots.

Reserve annual rent.

Pay annuity.

the said rents, shall be divided or otherwise disposed of among the said associates or their legal representatives, as a majority in interest shall direct, in proportion to the number of the said shares held by them respectively.

§ 5. *And be it further enacted*, That all contracts heretofore made for the sale of any of the said lots by the said Richard Varick, Jacob Radcliff, and Anthony Dey, or in any way concerning the premises or the improvement of the same, shall be assumed and performed by the said corporation. Contracts assumed by associates.

§ 6. *And be it further enacted*, That the said associates and their successors shall, and may, on the second Monday of December next, and on the first Monday of November in every year thereafter, elect nine of their number to be the trustees of the said company, who, or a majority of whom, shall have power to manage and conduct the affairs of the said corporation, by the name and style herein above mentioned, and to sell and dispose of the said premises in manner aforesaid, and to exercise all the powers granted to the said corporation by this act under the regulations and restrictions herein contained, and to make rules and regulations for the government of their own board, and the time and mode of transacting business therein, and to appoint all necessary officers and agents for the purposes intended by this act, and that the first election of such trustees be held at Powles' Hook aforesaid, under the direction of William S. Pennington, Silas Condit, and Alexander C. M'Whorter, or a majority of them, as the inspectors of such election, and every subsequent election, under the direction of three inspectors, or any two of them, to be appointed by the existing trustees, for that purpose, who shall give notice in one or more of the public newspapers printed in this State, and one or more of the public newspapers printed in the city of New York, at least thirty days previous to every such election, of the day and place of such election, and the hours during which the same will be held; at which elections the said associates shall elect the said trustees by ballot, and that each associate may vote at such election, in person or by proxy, and shall be entitled to one vote for each share he shall hold in the said company; and the trustees so elected, shall enter upon their offices on the first Monday thereafter in each year, or as Election.

Appoint officers.

Thirty days' notice of election.

Election by ballot.

soon after as they can conveniently be sworn into office, and shall continue in office for one year from and after the time last mentioned, and until others shall be elected and sworn in their stead, and the persons above named, for the purpose of conducting the said first election, and the inspectors to be appointed as aforesaid, for every subsequent election, shall respectively be the judges of such elections, and a decision of them, or a majority of them respectively, shall be conclusive as to the right of suffrage of any elector who shall offer himself to vote in his own right, or by proxy, at such election, and the said inspectors, or a majority of them respectively, shall determine and certify the persons, who, by a plurality of votes, shall be elected trustees as aforesaid, which certificate shall entitle every person so certified to be elected, to be qualified, and to act as a trustee for the succeeding year; and each inspector, before he enters upon the execution of his duty as such, shall take an oath or affirmation, as the case may be, *that he will well and truly, and according to the best of his knowledge, execute the duty of an inspector of such election*, which oath or affirmation the said inspectors are hereby authorized and empowered to administer to each other respectively.

Inspectors
certify persons
elected trustees.

Take oath.

Trustees to take
oath.

§ 7. *And be it further enacted*, That the trustees so to be elected, shall, before they enter upon their respective offices, severally take and subscribe an oath or affirmation, as the case may be, *well and faithfully to execute the trusts reposed in them by this act, according to the best of their skill and understanding*, which oath or affirmation may be made before any judge of the Supreme Court, or of any inferior court, or before any justice of the peace within this State, who are hereby severally authorized and required to administer the same, and in case of the death, resignation, or refusal to act, of any person so elected, it shall be lawful for the remaining trustees, by a majority of votes, to appoint another in his stead.

In case of death
&c., trustees ap-
point.

Deputy clerk.

§ 8. *And be it further enacted*, That the clerk of the county of Bergen shall appoint a deputy, who shall be sworn as such, and reside and keep an office at some place within the district of country formerly distinguished by the name of Island of Horsimus, and which includes Powles' Hook, and which island is constituted and surrounded by a certain creek called the

Creek of the Woods, or Horsimus Creek, and shall keep a proper book or books for the recording of all deeds, mortgages, and other writings which may hereafter be made or executed, relating to any real estate situated within the said district or any part thereof, and all deeds, mortgages, and other writings relating to any such real estates, being proved or acknowledged as the same are required to be proved or acknowledged by the laws of this State, for the purpose of recording or registering the same, and being recorded or registered in the said book or books, shall be as valid and effectual in the law as if the same were recorded or registered in the Clerk's office of the said county of Bergen, and it shall be the duty of such deputy so to record or register the same, and the said clerk of the said county shall be held responsible for the conduct of every such deputy to be appointed by him, and be entitled to the like fees as in other cases for the like services: *Provided always*, That no deed, mortgage, or other instrument in writing, respecting and containing land not situated within the district aforesaid, shall be recorded in the office hereby established.

Record deeds,
&c.

Fees.

Proviso.

Shares personal
estate.

Trustees contribute to fulfilment
of contracts, &c.

§ 9. *And be it further enacted*, That the said shares of the said associates, in the said premises, shall be deemed and construed to be personal estate, and shall be transferable by them, their executors, administrators, or assigns, and the said trustees may prescribe the mode in which such transfers shall be made, in a book or books to be provided for that purpose, and the said associates shall be liable to contribute in proportion to their respective shares, to the fulfilment of all the contracts, and to all the charges and expenses already made or incurred on account of the said premises, since the purchase of the same as aforesaid, from the said Cornelius Van Vorst, and upon every transfer of any share or shares hereafter to be made, the subsequent holder of the same shall in like manner be liable to contribute for the same to all charges and expenses, which shall accrue on account of the said premises during the time he shall hold such share or shares only, and also to the payment of the said annuity during such time and no longer, and such share or shares shall be liable for the payment of such

Proviso.

contributions, and on failure thereof, for the space of six months after a demand made of such payment, shall be forfeited to the said company: *Provided however*, That the said trustees shall not make or incur any further expenditures on account of the said premises, without the consent of a majority of the holders of the said shares in interest.

Sales at auction,
free of duty, &c.

§ 10. *And be it further enacted*, That all sales at auction to be made at Powles' Hook, and the said Island of Hor-simus, shall be free from any duty to be imposed by this State for the period of fourteen years from the passing of this act.

COUNCIL CHAMBER, November 10th, 1804.

This re-engrossed bill having been read and compared,
Resolved, That the same do pass.

By order of Council,

JOSEPH BLOOMFIELD, President.

HOUSE OF ASSEMBLY, November 10, 1804.

This re-engrossed bill having been read and compared,
Resolved, That the same do pass,

By order of the House,

JAMES COX, Speaker.

I, JOHN BEATTY, Secretary of the State of New Jersey, do certify, that the foregoing is a true copy, taken from the original Act, remaining on file in the Secretary's office for the said State. GIVEN under my hand, at the city of Trenton, this 13th day of November, in the year 1804.

JOHN BEATTY.

An Act to Incorporate the City of Jersey,

IN THE COUNTY OF BERGEN.

Passed the 28th of January, 1820.

§ 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all ^{Bounds.} that portion of the township of Bergen, in the county of Bergen, now owned by the Jersey Associates, formerly called Powles' Hook, and which is constituted and surrounded by a certain ditch as the boundary line between the Jersey Associates and the lands of Cornelius Van Vorst, deceased, on the west and northwest, and by the middle of the Hudson river and the bay surrounding all the other parts of the same; and the freeholders and other inhabitants thereof, and now and hereafter residing within the same, shall be, and from henceforth shall continue to be, a coporation and body politic in ^{Incorporated.} name and in fact; and shall be known as such by the name and description of "Jersey City," and by that name the said freeholders and other inhabitants shall have perpetual succession, and be capable of suing and being sued in all actions and suits at law and equity, as occasion may require.

§ 2. *And be it enacted,* That the said corporation or body ^{Seal.} politic, hereby created, may have a common seal, which may be renewed or altered from time to time by the persons who shall conduct the affairs thereof, as after mentioned.

§ 3. *And be it enacted,* That for the conducting of the affairs ^{Board of Select-} of the said corporation, the freeholders and other taxable in- ^{men, by whom} habitants shall annually choose, at an election to be held for that purpose, and by ballot, five freeholders, being inhabitants within the bounds of the said corporation, to conduct the affairs thereof, which election shall be annually held at some public and convenient places within the bounds of the said corporation, on the first Monday of September in every year, and until others are chosen; that the persons so to be chosen shall be denominated "The Board of Selectmen of Jersey City," and shall enter upon the duties of their office on the Tuesday next

succeeding their election, at which time they shall choose, from amongst themselves, by a majority of votes, one person to be president, and some fit person to be their clerk, whose business it shall be to record their proceedings and to do such other acts as he shall be required to do by the board.

The first board appointed.

§ 4. *And be it enacted*, That from and after the passing of this act, and until the first Monday in September next, Doctor John Condit, Samuel Cassedy, Joseph Lyon, John K. Goodman and John Seaman, shall perform the duties required by this act, and until others are chosen in their stead; and if any person, chosen one of the said board, shall happen to die, resign or remove out of the bounds of the said corporation, within the period for which he shall be chosen, so that his seat is vacated, such vacancy shall be filled by some other freeholder, to be chosen by the remaining members of the board, until the next annual election shall be held.

Powers of the board.

§ 5. *And be it enacted*, That the Board of Selectmen shall be, and are hereby empowered, by a majority of votes, to pass all such necessary ordinances as may be found requisite and convenient for the exercise of the powers hereby vested in said board, and to appoint the necessary officers, agents and servants, to carry the same into effect, and to impose reasonable penalties for the breach or non-observance of the same; *Provided* such ordinances be not inconsistent or contrary to the Constitution or legislative acts of this State, or of the United States, and all such penalties shall be sued for and recovered in any court having cognizance thereof, in the name of said board; and the members thereof, and all other corporators, shall be competent witnesses in every such action or suit, and such penalties, when recovered, shall be kept an account of, and shall be applied by the said board to compensate their officers, agents or servants, for their services, or any other public purpose, but not otherwise.

Powers of the board confined to certain subjects.

§ 6. *And be it enacted*, That the powers to be exercised by the Board of Selectmen, and the subjects and matters respecting which they may pass and enforce ordinances, shall be the following, and those only; that is to say, relating to the commons or public grounds, streets, highways and alleys therein,

and removing and preventing obstructions therein, and the enclosing or otherwise improving such commons or public grounds, relating to public markets within the corporation, relating to weights and measures, to the inspection and measurement of fire-wood, and the weight and prices of bread, and to prevent fixing any poles for fishing or any obstructions whereby the lives of the inhabitants are endangered, or the navigation of the river obstructed ; relating to the running at large, or restraining from so doing, horses, cattle, swine, or other beasts or fowl ; relating to the lighting the streets, highways or alleys ; relating to night-watch, fire-engines, engine houses, and the extinguishment of fires ; and relative to whatever may concern the good government of the said corporation, and the orderly conduct of the inhabitants and others within the same, so far as regards the public peace and tranquility of the same.

§ 7. *And be it enacted*, That the said corporation shall not impose any tax on the inhabitants thereof, for any purpose whatever, without the previous consent of a majority of the freeholders and taxable inhabitants who may attend and vote respecting the same, at a public meeting to be convened for that purpose, on reasonable notice being given or advertised by the Board of Selectmen. Relates to imposing taxes.

§ 8. *And be it enacted*, That as this corporation is made and instituted from public policy, the power of altering and annulling the same is hereby reserved, and that nothing granted by this act shall interfere with any of the powers or rights granted to the Jersey Associates. Powers reserved.

STATE OF NEW JERSEY :

An Act to Incorporate the City of Jersey,

IN THE COUNTY OF BERGEN,

AND TO REPEAL THE FORMER ACT.

Passed January 23, 1829.

Boundaries.

§ 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that part of the township of Bergen, formerly called Powles' Hook, bounded on the west by a certain ditch, running between the lands of the Associates of the Jersey Company and those late of Cornelius Van Vorst, deceased, and by the middle of the Hudson river, and the bays surrounding all the other parts of the same ; and the freeholders, and other inhabitants thereof, or who hereafter may reside within the same, shall be, and hereby are, created and made a corporation or body politic, in fact and in name, and shall be known as such, by the name and style of " The Board of Selectmen and Inhabitants of Jersey City," and by that name shall have perpetual succession, be capable of suing and being sued, pleading and being impleaded, in all suits at law and in equity, as occasion may require, and shall have a common seal, which may be renewed or altered from time to time, at pleasure.

Style of corporation.

General powers.

Qualification of voters.

§ 2. *And be it enacted,* That, for the conducting the affairs of the said corporation, the freeholders and other taxable white male inhabitants, being citizens of the United States, and having resided for one year immediately before any election at which they may offer to vote within the bounds of the said corporation, shall choose, at an election to be held for that purpose, and by ballot, seven white male inhabitants, who shall be citizens of the United States, freeholders within said bounds, and shall have resided therein for one year immediately before such election, a majority of whom shall be a quorum, and may transact business, by not less than four concurring votes ; which

election shall be annually held, at some public and convenient place within the aforesaid bounds, on the first Monday of September in every year; and the persons so chosen, shall enter upon the duties of their office on the Tuesday next succeeding their election, and shall continue in office for one year thereafter, and until others are elected and shall enter upon the duties of their office: and if any person, at any time elected one of the Board of Selectmen, shall happen to die, resign, remove out of the bounds of said corporation, or become otherwise disqualified, within the period for which he shall have been elected, so that his seat is vacated, such vacancy shall be filled, until the next annual election, by some other duly qualified person, to be chosen by the remaining members of the board: and every member of the Board of Selectmen, shall, before he enters upon the duties of his office, make oath or affirmation before some judge of the Court of Common Pleas, or justice of the peace of the county of Bergen, well and faithfully to execute the trust reposed in him, as one of the Board of Selectmen of Jersey City, according to the best of his skill and ability; which oath or affirmation shall be reduced to writing, and shall be, by the secretary of the said board, filed with their papers.

Election annual.

Officers chosen for one year.

Vacancies, how filled.

Oaths of office.

§ 3. *And be it enacted*, That the Board of Selectmen shall before every annual election, appoint three freeholders, being residents within the bounds of said corporation, and citizens of the United States, and not members of the said board, to be inspectors of the succeeding election, any two of whom may act; which inspectors shall have written notice of their appointment, by the secretary of said board: and in case any person or persons so appointed, shall neglect or refuse to serve, the board shall have power to fill the vacancy: and the said board shall cause notice to be given, by advertisements set up in at least three public places within said bounds, and at least ten days before each annual election, of the time and place where the ensuing election shall be held: and the freeholders, so appointed, shall attend at the place assigned for that purpose, judge of the qualifications of every person offering to vote at such election, and receive the votes of such as shall offer and be found qualified; shall count the votes, and

Inspectors of election.

Public notice of annual election.

certify, in writing, who are the persons elected by the greatest number of votes ; which certificate shall be entered on record, in the minutes of said board, and shall be conclusive evidence of who are chosen to compose the Board of Selectmen for the ensuing year.

Board to choose president.

§ 4. *And be it enacted*, That at the first meeting of the Board of Selectmen, after each annual election, they shall choose, from among themselves, one person to be their president, whose duty it shall be to preside at the board when convened for the transaction of business ; and in the absence of the president, they shall, at any meeting of the board, choose some other member

Special meetings.

to be president pro tempore : and it shall be the duty of the president, or president pro tempore, as the case may be, on the request, in writing, of any two members of the board, to call special meetings, or the board may meet on their own adjournments : and the board shall, at the first, or any subsequent meeting, appoint one fit person, not a member, to be

Treasurer and secretary, duties of.

treasurer : and all draughts on the treasurer shall, by order of the board, be signed by the president, or president pro tempore, as the case may be, which order shall be entered in the minutes : and the board shall also appoint some fit person, not a member, to be their secretary, whose duty it shall be to record their proceedings, and to do such other acts as may properly be required of him : and the board, in order to carry

City marshal.

their ordinances or by-laws into complete effect, shall appoint an officer, to be denominated or called the city marshal, who shall, within the bounds of said corporation, in criminal cases, and in all cases for breach of the peace, or for breach or non-observance of the by-laws or ordinances of the Board of Selectmen, have the same power, and be entitled to the same fees

Powers and duties.

for his services, and shall be liable to the same penalties for neglect of duty as constables are, or may be by the laws of the State of New Jersey : and said marshal shall, before he enters

Take oath.

on the duties of his office, take and subscribe, before some justice of the peace of the county, an oath or affirmation, well and faithfully to execute the duties of the said office : and all, or either of the three officers last above mentioned, may be removed by the board, and others appointed in their places : and the board may also annually appoint, on such terms and under

Further powers of the board.

such regulations as they shall deem proper and reasonable, all such other agents, officers and servants, including harbor masters, measurers of grain, weigh-masters, cullers of staves and heading, auctioneers, inspectors of beef and pork, pot and pearl ashes, and lumber, as they shall find necessary or convenient: and the board shall also have the exclusive right of licensing, annually, such and so many cartmen, draymen, and porters, tavern-keepers, inn-holders, victuallers, sutlers, and retailers of spirituous liquors, within said bounds, also on such terms, and under such regulations as they shall deem proper and reasonable: and the Board of Selectmen shall cause all their proceedings to be entered on record, which record shall be accessible at all reasonable times, to all persons interested therein.

§ 5. *And be it enacted*, That the freeholders and other inhabitants, and the property of non-residents within the bounds of said corporation, shall hereafter be exempted from all taxes, impositions or assessments, for or on account of making or repairing the public roads beyond said bounds: *Provided*, that the said corporation shall, at all times, make and keep in good repair the public roads within said bounds: *And provided also*, that the inhabitants of all that part of the township of Bergen, without the aforesaid bounds, and their property, and the property of non-residents therein, shall hereafter be exempted from all taxes, impositions, or assessments, for or on account of making or repairing the public roads within the bounds of said corporation.

Certain persons
and property
exempt from
road tax.

§ 6. *And be it enacted*, That, to enable the board of Selectmen to carry into effect the ordinances or by-laws that may be by them from time to time enacted and passed, and to remunerate any officer, agent or servant, for his or their services, the said board shall be, and they are hereby authorized, from time to time, to impose and raise money, by tax, upon the freeholders and other taxable inhabitants, and on the property of non-residents; but such tax shall not exceed the sum of three hundred dollars within any one year, commencing on the day after each annual election, when the freeholders elected Selectmen for the ensuing year shall enter upon the duties of their office: and no money exceeding the said sum of three hundred

Board may raise
money.

dollars shall be raised by tax by the said corporation, or under authority thereof, within any one year, as aforesaid, unless with the consent of a majority of the freeholders and other taxable inhabitants who may attend a public meeting for the purpose of considering the subject ; and of which meeting not less than ten days previous notice shall be given, by advertisements set up in at least three public places within the bounds of said corporation : and such consent, if obtained, shall be certified by at least three freeholders, who shall have been appointed by the Board of Selectmen, for the purpose of ascertaining the sentiments of the inhabitants thereon ; and a copy of such certificate shall be entered in the minutes of the said board, and such entry, certified by the secretary of said board to be a true copy of such certificate, shall be sufficient evidence of the fact.

May purchase
real estate and
erect public
buildings.

§ 7. *And be it enacted*, That the corporation or body politic hereby created, and, by the name and style aforesaid, may purchase, or otherwise acquire, any real or personal estate, and may erect and maintain any such building or buildings within the limits of the same, as shall be found necessary or convenient for the transaction of business, or for the exercise of the powers and privileges conferred by this act, or any future act of the Legislature, and may alienate, or otherwise dispose of any such estate as may be found convenient or occasion shall require : *Provided always*, that no real estate shall be purchased, for money or other valuable consideration, by the said corporation or body politic, without the previous consent of a majority of the corporators entitled by this act to vote at the election for Selectmen, who may attend a meeting or meetings to be held for the purpose of obtaining such consent, on public notice being given of such meeting at least ten days previous thereto ; and such consent, if obtained, shall be certified by at least three freeholders chosen for that purpose by the persons assembled to vote ; and a copy of such certificate shall be entered in the minutes of the Board of Selectmen, and such entry certified by the secretary of said board to be a true copy of said certificate, shall be conclusive evidence of the fact.

Proviso.

Pass by laws.

§ 8. *And be it enacted*, That the Board of Selectmen are hereby empowered to pass and enforce all such by-laws and ordinances as may be found expedient to carry into effect the

powers hereby granted to the said corporation or body politic, and to impose reasonable penalties for the breaches or for the non-observance thereof, so that no penalty shall exceed the sum of twenty-five dollars for any one offence: *Provided*, that Proviso. such by-laws or ordinances be not contrary to the Constitution or legislative acts of this State or of the United States: and all penalties inflicted by the by-laws or ordinances of the Board of Selectmen, may be sued for and recovered by action of debt, in any court having jurisdiction thereof, in the name of "The Board of Selectmen and Inhabitants of Jersey City," and applied to the use of the said corporation: and members of the the said board, and all other inhabitants within the bounds of said corporation, not otherwise legally disqualified, shall be competent witnessess in all such cases.

§ 9. *And be it enacted*, That the powers to be exercised by Further powers of the board, &c. the corporation hereby created, and the subject matters respecting which the Board of Selectmen may pass and enforce by-laws or ordinances within the limits thereof, shall be the following, and those only, that is to say: relating to the public roads, streets, and highways; the digging out, filling up and regulating the same, and preventing nuisances, and obstructions therein, and to the enclosing or otherwise improving the public grounds; relating to the public markets for the sale of provisions; the measurement and inspection of fire-wood, and other fuel; the weighing and inspection of hay; the weight and prices of bread, having regard to the materials of which it is made; the lighting the public roads, streets, or highways, and the preservation of the means used for that purpose; the providing and regulating a night watch, and erecting and maintaining a watch-house, if it shall be judged necessary, for the greater security of persons and property; relating to fire engines, engine-houses, and other implements for extinguishing fires, and the government of fire companies; and also to all precautionary and other measures for preventing as well as extinguishing fires; relating to weights and measures, to public wells, pumps and cisterns, and the use and preservation thereof; to slaughter-houses, distilleries, or whatever else shall be, or may become public nuisances; to the running at large, or restraining from so doing, of horses, cattle, swine, or other an-

imals, and geese and other fowls; relating to whatever may concern the orderly conduct of the inhabitants, sojourners, apprentices, servants and slaves, residing or being within the limits aforesaid; relating to the setting up, or fixing any pole or poles for fishing in the waters within the limits of the said corporation, whereby the lives of persons may be endangered, or the navigation obstructed; relating to all acts of public indecency, such as bathing or swimming in the waters within the limits aforesaid, in sight of the inhabitants, in open day, and other indecent exposure; relating to the establishment of quarantine regulations, and to all other acts, measures and things, for the preservation of the health of the inhabitants against pestilential diseases, whether foreign or domestic; relating to the anchoring and mooring of vessels within the waters of said city; to wharves and rates of wharfage; to the equitable assessments of taxes, authorized by this act, and the collection thereof; to the compensation or pay of all such agents, officers and servants, cartmen, draymen and porters, and others, not herein before provided for, as the Board of Selectmen shall find it necessary or convenient from time to time to appoint or license; relating to the preservation of trees in any of the streets, roads, or other public grounds; relating to fines and penalties on persons elected, or appointed to office by virtue of this act, who, holding such office, shall neglect or refuse to execute the duties thereof, when properly required so to do; and relative also, to all such other acts, matters, and things not herein before provided for, as the preservation of the peace, the proper observance of the by-laws or ordinances of the Board of Selectmen, and the reasonable security of the persons and property of inhabitants and others within said limits, may require.

Selectmen
conservators
of the peace.

§ 10. *And be it enacted*, That the persons composing the Board of Selectmen, shall be, ex-officio, conservators of the peace within the bounds of said corporation, and for that purpose shall, jointly and severally, have authority to cause all persons to be brought before them, or either of them, for breach of the peace, or for disturbing the public tranquility: and shall have power to proceed in such cases, and in other criminal cases, requiring immediate attention, in the same manner as justices of the peace are, or may be empowered to do, by the laws of the State of New Jersey.

§ 11. *And be it enacted*, That the act entitled, “ An act to in- ^{Former act repealed.}
 coporate the city of Jersey, in the county of Bergen,” passed
 the twenty-eighth day of January, eighteen hundred and twenty,
 be, and the same is hereby repealed: *Provided nevertheless*, ^{Proviso.}
 that such repeal shall not render ineffectual any thing lawfully
 done under said act; *And provided also*, that the present Board
 of Selectmen shall be, and continue in office until the first
 Tuesday in September next, and until others shall be elected,
 agreeably to the provisions of this act, and shall have entered
 upon the duties of their office: *And whereas*, the said corpo-
 ration is created, and the powers by this act conferred, are in-
 tended for the public welfare: *Therefore be it further enacted*, ^{Legislature may repeal.}
 that the Legislature hereby reserves the right of repealing, or
 modifying the provisions of this act, from time to time, and in
 such manner as the public welfare may require.

A SUPPLEMENT TO THE ACT ENTITLED

An Act to Incorporate the City of Jersey,

IN THE COUNTY OF BERGEN.

Passed the 23d of January, 1829.

§ 1. *Be it enacted by the Council and General Assembly of this* ^{Assessments may be made,}
State, and it is hereby enacted by the authority of the same, That
 it shall be lawful for the Board of Selectmen and inhabitants
 of Jersey City, to assess the real estate in said city, for the
 improvements made in regulating the streets, alleys and lanes
 therein, and in paving, flagging and gravelling the same; and
 the amount of all assessments which shall be made and author-
 ized by the said board for the costs and expenses of such regula-
 ting, paving, flagging and gravelling, shall be and remain a lien
 upon such property as shall be improved and assessed from
 the time of the completion of the assessment by the board for
 the regulating, paving, flagging and gravelling the same, until
 paid.

Lots may be leased by corporation.

§ 2 *And be it enacted*, That on the return of the collector of the board of any unpaid assessment, it shall be lawful for the said board to lease the lot or lots so assessed and unpaid, at public auction, to such person or persons who will take the same at the shortest period of time, and pay such assessment and all charges and interest thereon, due at the time of such sale: *Provided*, notice be first given in one or more newspapers published in the county of Bergen, and by a notice put up at three of the most conspicuous places in said city, for at least sixty days, of the time and place of such sale, describing the property assessed, and the amount due thereon.

Conditions on which property may be redeemed.

§ 3. *And be it enacted*, That such property may be redeemed within two years from the day of the sale, on the payment of the amount of such sale to the treasurer of said board, with interest from the day of such sale, at the rate of twenty per cent. per annum, for the benefit of the purchaser.

§ 4. *And be it enacted*, That all taxes and assessments paid thereon by the lessee, within the said period of two years allowed for the redemption, shall also be paid by the person or persons redeeming the same, and at the same time, to said treasurer, with interest, at the rate of twelve per cent. per annum, for the benefit of such lessee.

Selectmen to give notice.

§ 5. *And be it enacted*, That said board shall give public notice, in manner mentioned in the second section of this supplement, for six months immediately preceding the expiration of the period of redemption of such sale, describing the property unredeemed, and stating the amount of such sale, and time the lease will be complete, unless redeemed by the payment of the purchase money and all charges thereon.

Sale may be postponed.

§ 6. *And be it enacted*, That the day of sale may be postponed from time to time, or suspended, as the Board of Selectmen may deem expedient.

Lots must be surrendered.

§ 7. *And be it enacted*, That the said term of years of any lot or lots so leased, as aforesaid, shall not commence until the time for the redemption of the same has expired, and the said lessee shall, at the expiration of the said lease, quit and surrender the said premises, and the improvements so made, in as good state and condition as when he entered thereon, natural wear and accidents excepted.

§ 8. *And be it enacted*, That the said board be, and they are hereby empowered to acquire by purchase, or other lawful mode, the grounds situate between Grand and Sussex streets, in the city of Jersey, and on the east side of Washington street, and to appropriate the same for the purpose of a public square, and upon such acquisition and appropriation of the said grounds, it shall be lawful for them to vacate the present public square, and to sell the same in lots or otherwise for the use of the inhabitants of said place, and to make good and sufficient deeds of conveyance therefor: *Provided nevertheless*, that the acts and doings of the said board in relation to the powers granted in this section, shall be of no effect unless the same be sanctioned and approved by a majority of the corporators, in manner prescribed in the proviso to the seventh section of the act to which this is a supplement.

Grounds may be purchased for a public square.

Passed March 8, 1836.

STATE OF NEW JERSEY:

An Act to Incorporate Jersey City.

§ 1. *Be it enacted by the Council and General Assembly of* ^{Boundaries.} *this State, and it is hereby enacted by the authority of the same,* That all that part of the township of Bergen, formerly called Powles' Hook, bounded on the west by a certain ditch, running between the lands of the Associates of the Jersey Company and others, and the lands late of Cornelius Van Vorst, deceased, and by the middle of the Hudson river, and the bays surrounding all the other parts of the same, and all the inhabitants within the limits aforesaid, be, and hereby are ordained, constituted and declared to be from time to time, and forever hereafter, one body corporate and politic, in fact and in name, by the name of the "Mayor and Common Council of Jersey ^{Corporate name.} City," and that by that name, they and their successors forever, shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being ^{General powers.}

impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and also shall have all the rights and privileges of a separate township of this State: and that they and their successors may have a common seal, and alter the same at their pleasure, and also by their corporate name aforesaid, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the public use of the said corporation, and that the said Mayor and Common Council of Jersey City, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property, rights, claims and demands, causes of action and estate whatsoever, both in law and in equity, in possession, reversion or remainder, which, at the time of the passage of this act, are vested in or belong to the inhabitants of that part of the township of Bergen, formerly called Powles' Hook, in their corporate capacity as now incorporated, by the name of the "Board of Selectmen and inhabitants of Jersey City," according to such estate and interest as the Board of Selectmen and inhabitants of Jersey City at the time of the passage of this act *have or of right ought to have* in the same: *Provided*, that nothing in this act contained, shall affect any suit or suits now pending in the name of the Board of Selectmen and inhabitants of Jersey City.

A township.
May hold real and personal estate.
Vested with all lands, hereditaments, rights.
Mayor, aldermen, clerk, &c.

§ 2. *And be it enacted*, That there be, and forever hereafter there shall be, in and for said city, one mayor, ten aldermen, one clerk, one treasurer, one collector, one marshal, one assessor, and three constables.

Presiding officer; time and place of meeting of Common Council.

§ 3. *And be it enacted*, That the Mayor and Aldermen of the said city, shall constitute and be called the Common Council of the said city; and that the said Common Council shall be summoned and held at such times and places in the said city as they may appoint; and the Mayor shall preside at the meetings of the Common Council, and have a casting vote only, and if he be absent, one of the aldermen may be appointed by the members present, chairman pro tem., and a majority of the whole number of the Common Council shall

be a quorum to transact business ; and it shall be the duty of Special meetings. the said mayor to call special meetings of the said Common Council, and in case of his neglect or refusal to call such meeting, then it shall be lawful for any three members of the Common Council to call any meeting or meetings of the said Common Council, at such time or place as they shall designate or appoint in writing.

§ 4. *And be it enacted,* That an election, by ballot, shall be held on the second Monday in April next, and on the second Monday of April in every year thereafter, at such place as the Common Council shall appoint, of which place the Common Council shall cause public notice in writing, to be set up in five of the most public places in said city, and to be published in one or more of the newspapers printed or circulated in said city, for at least ten days previous to the day of such election, at which election one mayor, ten aldermen, one clerk, one assessor, one collector, three constables, one judge of election, three commissioners of appeal in cases of taxation, two school committee-men, two persons to be chosen freeholders, two persons to be surveyors of highways, shall be annually chosen and elected in said city, from among the citizens residing therein, and entitled to vote at such election ; but no person shall be elected or serve as mayor, aldermen, assessor, judge of election, chosen freeholder, or surveyor of the highways, unless he shall be a bona fide freeholder within said city, and shall have resided therein at least one year immediately preceding said election, and shall be a citizen of the United States, and of this State ; at which elections, the judge of the election, the assessor and collector shall be the judges or inspectors ; that the poll of such election shall be opened at ten o'clock in the forenoon, and closed at seven in the evening, and that all persons who by law are or may be qualified to vote at town meetings in this State, shall be entitled to vote at such election ; and that the name of each elector voting at such election, shall be written in a poll list, to be kept at such election, by the judges or inspectors, and that after the poll shall be closed, the said judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands, and deliver such certificate to the clerk of the said city, as soon as that officer

First election
9th April, 1838.
Annual election
2d Monday in
April.
Place of election.
Notice of election
to be published
ten days.
Officers to be
elected.
To be citizens
one year and
freeholders.
Poll opened.
Who may vote.
Poll list.
Duty of judges of
election.

Clerk to file certificate of election.

Duration of office.

Place and manner of holding election 9th of April, 1838.

Vacancies filled by Common Council.

Township officers.

Their duties.

Common Council Township Committee.

shall be sworn into office, who shall file and preserve the same in his office; and the persons having the greatest number of votes, shall be deemed to be elected to the offices for which they shall be voted for respectively, who shall respectively hold their offices for one year, and until others are elected in their stead and sworn into office, except that the first election to be held in said city on the second Monday of April next, shall be held at such place as the Board of Selectmen and inhabitants of Jersey City shall direct, and shall be under the direction of the inspectors of elections, appointed at the last annual election, as now constituted, and that the officers conducting said election, shall, in manner aforesaid, proceed to count the votes received, and certify the votes given for each candidate for the offices aforesaid, respectively, which certificate shall be delivered within three days after such election, to the clerk of the said city.

§ 5. *And be it enacted*, That in case of the death, resignation, inability, disqualification, refusal or removal out of the bounds of said city, of any of the officers mentioned in the preceding section, it may be lawful for the said Common Council to appoint others in their place or stead, until the next annual election, who shall, during said time, perform the like services, and be entitled to the same fees, and subject to the like responsibilities, as though elected at the annual election.

§ 6. *And be it enacted*, That the clerk of the said city, the commissioners of appeal in cases of taxation, the chosen freeholders, the surveyors of highways, constables, and school committee-men, assessors, judge of election, and collector, appointed under this act, shall respectively possess the powers and perform the duties of the like office of any township of this State, so far as such powers and duties shall be consistent with the provisions of this act; and that the members of the Common Council of the said city, collectively and individually, shall possess the powers and perform the duties which by law belong to or are imposed upon members of the township committee of any township of this State, collectively and individually, so far as such powers and duties are consistent with the provisions of this act.

§ 7. *And be it enacted*, That the assessor of the said city shall assess upon the persons and property of residents and property of non-residents within the said city; and the collector of the said city shall collect the State and county taxes by law directed or required to be assessed and collected within the said city, in the same manner, and within the same time, as the assessors and collectors of townships are or may be by law required to assess and collect the State and county taxes within their respective townships; and the commissioners of appeal, in cases of taxation, shall meet at such place within the said city as the Comon Council shall appoint, and upon the same day and upon like notice given as now is, or hereafter shall be, by law fixed and required for the meeting of the like officers of the townships of this State, and when so met, shall have power and authority to hear and determine all complaints of unjust taxation in the same manner as the like officers of the townships of this State are authorized and required to do; and the said assessor shall, at the time of assessing the aforesaid taxes, also assess upon the persons and property of residents and the property of non-residents within the said city, and the said collector shall, at the time of collecting the aforesaid taxes, also collect the taxes required to be assessed and collected within the said city, for the use of the said city, in such manner as the said Common Council shall, by their ordinance, from time to time direct and designate.

How State and county tax shall be assessed and collected.

Meeting, power and duties of commissioners of appeals.

City taxes, when assessed and collected.

How assessed.

§ 8. *And be it enacted*, That all elections hereafter held by the people within the said city for members of the Legislative Council and General Assembly, sheriff and coroners of the county of Bergen, and for members of Congress and electors of President and Vice-President of the United States, shall be held within the said city at the place appointed by the Common Council for holding the city elections, on the day or days which now are, or hereafter may be designated for holding such elections; that the polls shall be opened and closed at the hour prescribed by the laws of this State, and the judge and inspectors of election before mentioned, shall preside at and conduct all such elections, and the clerk of the said city shall be clerk of such elections, and every person in said city, entitled to vote at such elections, shall give his vote in the said

Members of the Legislature, sheriff, coroners, members of Congress and electors.

Inspectors of said elections.

Illegal votes.

city, at the time of such election and not elsewhere; and in case any person at any election whatever, held in said city, shall vote or offer his vote, not being legally qualified, he shall be liable to the penalties prescribed in the seventh section of the act, entitled "A supplement to the act entitled an act to regulate the elections of members of the Legislative Council and General Assembly, sheriff and coroners of this State," passed the first day of June, in the year of our Lord one thousand eight hundred and twenty, to be sued for and recovered in the name of the clerk of the said city, in action of debt with costs, and applied to the use of the poor of said city.

Judges of elections to take oath, make returns.

§ 9. *And be it enacted*, That the said judge, inspectors and clerk of elections, shall take the same oaths or affirmations, and conduct such elections and make returns thereof, in the same manner as township officers of elections are or may be

Powers, compensation.

by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties and be subject to the same penalties as the like officers of the townships of the State are or may be by law vested with, allowed or subject to;

Vacancies, how filled.

and in case of the absence, death, incompetency or refusal to serve of any of the said officers of elections at any election, provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this State, and the clerk of the said city shall procure ballot boxes for the use of the said city, in such manner, and of such descriptions as are required to be procured by the township clerks of this State, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keep the same in repair.

Ballot boxes.

Clerk of city to put up nominations.

§ 10. *And be it enacted*, That the clerk of the county of Bergen shall transmit to the clerk of the said city, printed copies of the seventh and eleventh sections of the act mentioned in the eighth section of this act, together with a list of nominations within the same time, and in the same manner as he is or may be by law required to transmit the same to township clerks, which clerk of said city shall advertise the said elections, and put up such copies and lists of nominations in the manner

in which the clerks of townships are required by law to advertise and put up the same.

§ 11. *And be it enacted*, That the treasurer of the said city shall be annually appointed by the Common Council of the said city, or the majority of them in Common Council assembled; and also that the said mayor and aldermen, or the majority of them in Common Council assembled, shall and may from time to time elect and appoint such other subordinate officers and agents of the said city not herein named, including keepers of the city prison, harbor masters, measurers of grain, weigh masters, cullers of staves and heading, auctioneers, inspectors of beef and pork, pot and pearl ashes, lumber and firewood, coal and other fuel, upon such terms and regulations as they shall think necessary, either for the better ordering and governing the said city, or for the convenience, safety and advantages of commerce; which officers, so appointed, shall continue in office until others shall be appointed to succeed them, and be sworn into office, faithfully to discharge their duties.

Treasurer, how chosen.
City officers appointed by Common Council.
Duration of office.
To take oath.

§ 12. *And be it enacted*, That the clerk of the said city, before he enters upon the duties of his office, shall take and subscribe before one of the judges of the Inferior Court of Common Pleas of the county of Bergen, or one of the justices of the peace in said county, who are hereby respectively authorized to administer the same, the oath of allegiance to this State, and likewise an oath or affirmation, faithfully and impartially to execute the trust reposed in him, according to the best of his ability and understanding; which oaths and affirmations shall be filed and preserved by the said clerk in his office; and that all officers elected or appointed under the authority of this act, shall, before they severally take upon themselves the execution of their respective offices, and within thirty days after their election, take and subscribe before the clerk of the said city, who is hereby authorized to administer the same, the like oaths or affirmations, which said clerk, shall also file and preserve in his office: and if the said clerk, annually elected in said city, shall neglect or refuse for the space of five days, to take upon himself the duties of his said office, as prescribed in this act, it shall be lawful for any judge of the Court of Common Pleas of the county of Bergen, or justice of the peace of said

Clerk to take oath.
Clerk to administer oath to all appointments by this act.
Certificates to be filed.
Neglect of duty.
Same to be done by judge of court.

county, to administer to the officers elected or appointed under the authority of this act, the oaths or affirmations required by this act to be taken and subscribed by such officers, and to file the same with the clerk of said city, when the vacancy of such clerk's office shall be supplied.

Ordinances.	§ 13. <i>And be it enacted,</i> That it shall and may be lawful for
Six concurring votes.	the Common Council of the said city, or the majority of them
Streets, alleys, and side-walks.	in Common Council convened, to pass, by not less than six concurring votes, and enforce all such ordinances as they shall judge proper for regulating, cleaning and keeping in repair the streets, highways and public alleys therein; for preventing the encumbering or obstructing the streets, side-walks and public alleys in said city; and for preventing persons from riding, driving or passing over or upon the side-walks with horses or oxen, or with wagons, carts or carriages of any description;
Boundaries.	for ascertaining and establishing the boundaries of all streets
Encroachments.	and alleys in said city, and preventing and removing all encroachments in or upon said streets or alleys; for preventing
Cattle, horses, dogs, swine; tax on dogs.	or regulating the running at large of cattle, horses, dogs and swine, or imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate riding or driving
Immoderate driving.	through or in any street of said city; for abating or removing
Nuisances.	any nuisance in any street or wharf, or on any lot or lots, or enclosure, or other place or places in said city; and for caus-
Sewers, drains.	ing common sewers and drains to be made; and granting per-
Vaults.	mission to construct vaults in any part thereof; for the paving,
Paving streets.	flagging, macadamizing or gravelling the streets of said city,
Lamps in streets.	and for lighting the same; for preventing or restraining riots,
Riots.	routs, disturbances, or disorderly assemblages in any street,
Public grounds.	house or place in said city; for regulating, protecting, improv-
Wells, pumps.	ing and reclaiming the public grounds in said city, and sink-
Lights in stables.	ing and regulating wells, pumps and cisterns in the streets
Fires.	thereof; for regulating the use of lights in stables; for the pre-
Gunpowder.	vention or suppression of fires; for regulating or preventing
Fire wardens.	the carrying on manufactures dangerous in causing or promot-
	ing fires, and for regulating the keeping and transporting of
	gunpowder or other combustible or dangerous materials; and
	it shall be lawful for the said Common Council, or the major-
	ity of them, to appoint and remove fire wardens, and by ordi-

nance to prescribe the powers and duties of such fire wardens,
 and of the fire engineers and firemen; which engineers and Firemen.
 firemen shall be exempt from serving as jurors in the courts
 for the trial of small causes, or in the militia in time of peace;
 and after serving ten years successively as firemen, shall be
 exempt from duty as firemen, and also remain thereafter ex-
 empted as serving as jurors in the courts for the trial of small
 causes, or in the militia in time of peace; to pass ordinances Goods at fires.
 for protecting goods from being purloined at fires; for compel- Cleaning
 ing the cleaning of chimneys, and licensing chimney sweeps; chimneys.
 for regulating the dimensions of chimneys hereafter to be Building
 built; for appointing watchmen, and prescribing their powers chimneys.
 and duties; for regulating weights and measures, and the Watchmen.
 guaging of all casks of liquor and liquids; for regulating petty Weights and
 grocers in the selling of liquors, ordinaries of victualling houses, measures,
 and the vending of meats and vegetables; for establishing and guaging.
 regulating public pounds; for regulating hawkers, pedlars and Retailers.
 petty chapmen within said city; for restraining vagrants, men- Pound.
 dicants, and street beggars; for regulating the setting up or Hawkers and
 fixing any pole or poles for fishing in the waters within the pedlars.
 limits of this corporation, whereby the lives of persons may Beggars.
 be endangered, or the navigation obstructed; for regulating Fish poles.
 cartmen and cartage; for regulating the police of said city; Cartage.
 for erecting, maintaining and regulating, one or more pub- Police.
 lic markets, and to change and alter the location of the Markets.
 same in said city, and to erect and maintain a city hall or City hall,
 town house, city prison and school houses, together with such city prison,
 other public buildings as may be necessary and convenient school houses,
 in said city; for regulating all wharves, docks and piers in and public
 and about said city, and the rates of wharfage, and to order buildings.
 and regulate the building of all docks, wharves, store houses Wharves, docks,
 and buildings thereon in and about said city; and the said piers, and build-
 Vice. ings thereon.
 Common Council shall and may from time to time pass ordi-
 nances for the more effectual suppression of vice and immor-
 ality, for preserving peace and good order, for the prevention Forestalling.
 of forestalling and regrating, for suppressing and restraining Gaming houses.
 disorderly and gaming houses, and such other by-laws and Peace and good
 ordinances for the peace and good order of the city, as they order.
 may deem expedient, not repugnant to the Constitution or

Imprisonment
for offences.
Fines
Process of prose-
cution.

laws of this State or of the United States, and to enforce the observance of all such laws or ordinances, by enacting penalties for the violation thereof, either by imprisonment not exceeding seven days, or by fine not exceeding fifty dollars, recoverable with costs in an action of debt, and in the name of the treasurer of Jersey City, for the use of the corporation of said city, without specifying the individual name of the treasurer of said city for the time being, before any justice of the peace residing within said city; in which action the first process may be either by summons or warrant, and in which action it shall be lawful to declare generally in debt, for such penalty, and give the special matter in evidence; *And further*, it shall be lawful for such justice, before whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment, under his hand and seal, directed

Commitment.

Ordinances to be
published.

to the keeper of the city prison: *Provided always*, That each and every ordinance so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published or circulated in said city, before said ordinance shall go into effect: *Provided also*, that no ordinance or by-law shall be enacted or passed by the said Common Council, unless the same shall have been introduced before the said Common Council at a previous meeting.

Judicial proceed-
ings.

§ 14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which issue or investigation the Mayor and Common Council of Jersey City are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder or freeman of the said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

Witnesses.

City prison.

§ 15. *And be it enacted*, That the said Common Council shall have power to build and maintain a city prison, to be properly and securely made, for the detention and imprisonment of any person or persons who shall be arrested for any offence against any of the by-laws of the said Common Council, or for any breach of the peace, and for any offence committed against

any law of this State, within the limits of said city, provided no person shall be kept confined therein by any constable or other officer under a commitment or execution, directed to the keeper of the common jail of the county of Bergen, by any magistrate therein, for a longer time than seven days, for any offence committed against the laws of this State; when, if not liberated by bail or otherwise, they shall be removed by the proper officer, to the common jail of the county of Bergen.

§ 16. *And be it enacted*, That the said Common Council shall have power to erect, establish and maintain one or more work house or work houses, and one or more alms house or alms houses, for the relief of the poor; and the said Common Council shall have power to regulate, by their ordinance, the said house or houses, and to direct and order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; and that the expenditure of all moneys raised for the maintenance and relief of the poor of the said city, shall be under the direction of the Common Council, and of such overseers of the poor and other officers as they shall for that purpose appoint; and the overseers of the poor, appointed by the Common Council, shall possess the powers and perform the duties of the like officers of the townships of this State, so far as such powers and duties shall be consistent with the provision of this act.

Work houses.

Alms houses.

Poor taxes.

Overseers of the poor, how appointed—duties and power.

§ 17. *And be it enacted*, That the said Common Council, or a majority of them in council assembled, shall and may grant licenses annually, under the common seal of said city, to such and so many persons, for tavern-keepers, inn-keepers, victualers, and retailers of spirituous liquors, as they may think necessary within the said city, on such terms and under such regulations and penalties as the said Common Council shall by their ordinance impose; and no other license for such purpose, within said city, granted by any other authority, shall be lawful.

Licenses.

§ 18. *And be it enacted*, That it shall be lawful for the Common Council of the said city, to raise by tax, from year to year, such sum or sums of money as they may deem expedient, for defraying the expenses of lighting the streets of said city, supporting a night watch therein, supplying the said city with water for the extinguishment of fires and other purposes, for the

City taxes for—

Lamps in streets,
Watch,
Water,
Fires,

Public grounds, Poor, Schools, Markets, Work houses, Alms houses, City hall, City prison, School houses, and all other purposes.	repairing of the streets of said city, for improving the public grounds, maintaining and supporting the poor, maintaining public schools, erecting and maintaining one or more public market houses, work houses, and alms houses, and a city hall or town house, city prison, and school houses, and for defraying the contingent expenses of the said city, and for all other purposes and objects authorized by this act, to be assessed by the assessor upon the actual value of property, and collected by the collector of the said city; but the said assessor shall not assess a greater tax than four mills upon the dollar, of such actual value, in any one year, for the use of the said city, or towards the payment of any loan: which taxes, when collected, shall be paid into the hands of the treasurer of said city, to be subject to the order of the said Common Council: and it shall be lawful for the said Mayor and Common Council of Jersey City, to borrow money from time to time, for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof by bond or other instrument under their common seal and the signature of the said mayor, and to provide by tax for the payment thereof: <i>Provided</i> , That it shall not be lawful for the said Common Council to raise any sum by loan, whereby the payment of the said loan shall not be otherwise provided for than by tax upon the persons and property in said city, unless at least seven of the said aldermen in Common Council convened, shall approve the same, and then there shall not be a greater sum than ten thousand dollars raised by loan in any one year, and that the said city shall not owe over fifty thousand dollars at any one time.
Valuation of property.	
Tax four mills.	
To be paid into treasury.	
Loans.	
Stocks to be issued.	
How paid.	
Seven affirmative votes for every loan.	
City debt.	
State school fund	§ 19. <i>And be it enacted</i> , That the said city shall be entitled to its just proportion of the annual appropriation of the school fund of this State, to be ascertained in the manner in which the quotas of the townships of this State now or hereafter shall be ascertained, which shall be from time to time paid over to the treasurer of the said city, and be applied under the direction of the school committee, either to the support of common schools in said city, or to the schooling of poor children of said city, as the Common Council shall order and direct; and the said city shall also be entitled to its just and equitable propor-
How applied.	
Bergen corporation funds.	

tion of the principal money belonging to the freeholders, inhabitants of the township of Bergen ; and the said Common Council shall have the charge and supervision of the proportion belonging to said city ; *Provided always*, That the said Common Council use the said money and property for the purposes and in manner now authorized to be used by the said the trustees of the freeholders, inhabitants of said township ; *And also*, That the said city shall be entitled to receive its just quota of the surplus revenue apportioned to, and received, or to be hereafter received by the State of New Jersey, to be ascertained according to the ratio of taxation in the county of Bergen ; and to be under the direction and supervision of the said Common Council, subject to the like restrictions, liabilities and responsibilities, as the Board of Chosen Freeholders of the county of Bergen now are or hereafter may be, in relation to the safe keeping and return of said money to the State or General Government, when the same shall be required.

How used.

Surplus revenue.

Liability therefor

§ 20. *And be it enacted*, That it shall be the duty of the treasurer of the said city, at least once in each year, to make out a full and true account of all the moneys raised by tax or loan for the use of said city since the last annual election, and of the application and expenditure of the same, and to deliver the said account to the clerk of the said city, at least ten days previous to the next annual election, to be by him filed in his office ; and it shall be the duty of the said clerk to cause a copy of the said account to be published in one or more newspapers published or circulated in said city, at least five days previous to the day of the next annual election for city officers.

Annual report of treasurer to be published.

§ 21. *And be it enacted*, That it shall be lawful for the Common Council of the said city to pay unto the treasurer, clerk, and other officers and agents of said city, such compensation for their services as the Common Council shall deem reasonable and proper.

Compensation to officers.

§ 22. *And be it enacted*, That the treasurer and collector of said city, before they enter upon the duties of their respective offices, shall severally execute their respective bonds to the Mayor and Common Council of Jersey City, in such sums and with such sureties as the said Common Council shall approve, conditioned for the faithful execution of the duties of their respective offices.

Treasurer and collector to give bonds.

Constables to
make oath.

§ 23. *And be it enacted*, That every constable of the said city, before he enters upon the duties of his office, shall take and subscribe before the clerk of the said city, an oath or affirmation in the form prescribed for constables of townships, in the nineteenth section of the act of the Legislature, entitled an act incorporating the inhabitants of townships, designating their powers and regulating their meetings, using the word city instead of the word township; and the said clerk shall endorse on the said oath or affirmation, the day and year on which the same was subscribed and taken or made, and file the said oath or affirmation and endorsement thereon in his office: *And further*, That every constable of the said city, before he enters upon the execution of his office, shall repair to the Common Council of the said city, and enter into bond to the Mayor and Common Council of Jersey City, with one or more sureties, to be approved of by the said Common Council in such sum as the said Common Council shall direct, in the form as near as may be, prescribed in the fifty-eighth section of the act of the Legislature, entitled an act constituting courts for the trial of small causes, which bond shall be delivered to the clerk of the said city, who is hereby directed and required to record and file the same in his office; and the said Mayor and Common Council are hereby directed and required, if need be, to prosecute the said bond, for and in behalf, and to the use of all and every person or persons whatever, who may have sustained loss by the neglect or misconduct of the said constable, and all suits on such bonds shall be prosecuted and conducted in the manner directed in the fifty-ninth section of the last mentioned act, for prosecuting and conducting suits on constables' bonds.

Clerk to file
same.

Constables to
give bonds.

Clerk to file
same.

Misconduct of
constables to be
prosecuted.

Aldermen ex-
officio conserva-
tors of the peace.
Authority.

§ 24. *And be it enacted*, That the aldermen elected by virtue of this act, shall be ex-officio conservators of the peace within the limits of said city, and for this purpose shall jointly and severally have authority to cause any or all persons to be brought before them, or either of them, for any breach of the peace, or for disturbing the public tranquility; shall have power to cause any or all persons so offending, to be sent to the watch house or city prison for safe keeping, until he, she, or they can be brought before the mayor or any magistrate of the county for

further hearing; and that the said mayor shall be, during the time for which he is elected, vested with all the powers and functions, and be bound by the same liabilities in criminal cases, that justices of the peace of the several counties of this State now are, or hereafter may be authorized to perform, and all officers and persons shall respect him as such. Mayor vested with power of justice.

§ 25. *And be it enacted*, That any street or streets, or parts of streets, in said city, which now are or shall be regulated by curbing and guttering therein, by any grade now or hereafter to be established for said street or streets or parts of streets, the same shall not be changed or altered by the said Common Council, unless at least seven members thereof shall assent to such change in Common Council convened: *And further*, That unless the said Common Council shall apply to the justices of the Supreme Court of this State, and a majority of the said justices shall approve the said alteration, and the said Common Council shall give at least thirty days notice of the time and place of said application, in at least one public newspaper printed or circulated in said city, and also by advertisement, put up in at least five public places in said city for the like space of time, and it shall be lawful, whenever the alteration of any such street or streets, or parts of streets, shall be authorized by the said Common Council, and the consent of the said justices obtained as aforesaid, for the said Common Council to appoint three disinterested freeholders of the said city, commissioners to make an estimate and assessment of the damages that any owner or owners of any lot or lots fronting on such street or streets, or parts of streets will sustain by making such alterations, and in estimating and assessing such damages, the said commissioners shall have due regard, as well to the benefit as to the injury of the owner or owners thereof, by such alteration: *Provided always*, That any person or persons who may consider himself, herself or themselves injured or aggrieved by such estimate or assessment, may at any time within thirty days after the making thereof, appeal therefrom to the said Supreme Court, who shall have power to confirm or set aside the said estimate and assessment, and to order a new assessment and estimate thereof to be made and reported to them for confirmation. Streets already regulated, how altered.

Vote of electors,
March 20, 1838,
on charter.

§ 26. *And be it enacted*, That this act shall not go into effect unless the assent of three-fifths of the electors of said city shall be first obtained; and for this purpose a poll shall be opened on the twentieth day of March next, between the hours of twelve o'clock, noon, and six in the afternoon, under the direction of the inspectors of the last election of the said city, and at the place where the last election was held for members of the Board of Selectmen, of which time and place the Board of Selectmen of said city shall give at least one week's previous notice, in one of the newspapers published or circulated in the said city, and the electors entitled to vote for members of the Board of Selectmen of said city, as now constituted, shall express their assent or refusal of this act, by depositing their ballots in the box provided for this purpose in said city, and those electors who are in favor of the said law, shall each deposit a ballot containing the word "alteration," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "no alteration" written or printed thereon, and a canvass and return of the votes shall be made by the said inspectors, to the secretary of the Board of Selectmen of Jersey City; and if three-fifths of those who vote at such election are found to be in favor of this act, it shall then, but not otherwise, go into effect.

Powers of former corporation transferred.

§ 27. *And be it enacted*, That the said Common Council, hereby created, shall be invested with and exercise in their corporate name, all the rights, privileges, powers and duties, that the Board of Selectmen and inhabitants of Jersey City now are capable of exercising and performing, by and under an act of the Legislature of this State, passed March the eighth, eighteen hundred and thirty-six, entitled "A supplement to the act, entitled an act to incorporate Jersey City in the county of Bergen," passed January twenty-third, eighteen hundred and twenty-nine, and that it be taken and considered as a part of this act.

Supplement,
March 8, 1836.

Former acts repealed.

§ 28. *And be it enacted*, That the act entitled "An act to incorporate the city of Jersey, in the county of Bergen," passed January twenty-eighth, eighteen hundred and twenty, be and the same is hereby repealed, and that such part or parts of the act entitled "An act incorporating the city of Jersey, in the

county of Bergen, and to repeal a former act," passed January twenty-third, eighteen hundred and twenty-nine, which are contrary to or inconsistent with the provisions of this act, shall be, and the same are hereby repealed, such repeal to take effect on and after the second Monday of April next: *Provided nevertheless*, That such repeal shall not render ineffectual or void any act or thing lawfully done under said act; and it shall be lawful for the said Common Council to collect, enforce and settle, in their corporate name, as incorporated by this act, the payment of all assessments in arrear or other claims or demands whatever, that now are or hereafter may become due and owing to or from the said Board of Selectmen and inhabitants of Jersey City in their corporate capacity.

§ 29 *And be it enacted*, That nothing herein contained shall be construed as in any wise to interfere with, or impair the vested rights and the privileges of the Associates of the Jersey Company: *Provided*, That this section shall not be constructed or adjudged as a repeal of any part of the proviso contained in the second section of the act incorporating said Associates: *And provided further*, That nothing herein contained shall be so construed as to prevent the Mayor and Common Council from exercising all the powers and privileges granted in and by the thirteenth section of this act.

§ 30. *And be it enacted*, That the Legislature may at any time hereafter, alter, modify, amend or repeal this act, whenever in the judgment of the Legislature the public good may require the same; and that it be taken and referred to as a public act in all courts, places, and by all persons; and also, that the supplement referred to in the twenty-seventh section be taken as a public act in like manner.

HOUSE OF ASSEMBLY, *February 22, 1838.*

This re-engrossed bill having been three times read and compared in the House of Assembly,

Resolved, That the same do pass.

By order of the House of Assembly,

LEWIS CONDICT, *Speaker.*

IN COUNCIL, *February 22, 1838.*

This re-engrossed bill having been three times read in Council,

Resolved, That the same do pass.

By order of Council,

A. PARSONS, *Vice President.*

STATE OF NEW-JERSEY:

I, JAMES D. WESTCOTT, *Secretary of State of the State of New-Jersey*, do hereby certify that the foregoing is a true copy of a law of said State, passed on the twenty-second day of February, Anno Domini, eighteen hundred and thirty-eight, entitled "An Act to incorporate Jersey City," as taken from and compared with the original, now on file in my office.

Given under my hand and seal of office, at the city
[L. S.] of Trenton, in said State, this seventh day of
March, Anno Domini, eighteen hundred and
thirty-eight.

JAMES D. WESTCOTT.

STATE OF NEW JERSEY:

A SUPPLEMENT TO THE ACT, ENTITLED

"An Act Incorporating Jersey City."

Additional
boundary.

§ 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that part of the township of Bergen lying westerly of Jersey City, included within the following boundaries, viz: Beginning at a point where the said westerly boundary line of said city intersects the northerly line of Harsimus street, as said street is laid down on the map of the town of Jersey, made by Joseph F. Mangin for the Associates of the Jersey Company; thence running westerly to and along the northerly line of South-Eighth street, as the same is laid down on the

map made by Lucius F. Douglass, for the Commissioners appointed to make partition of the estate late of John Van Vorst, deceased, to the middle of Grove street in Harsimus, as the same is now laid out and opened; thence southerly along the middle of the same, and through and along the middle of Kellogg street and Beach street, as the same are laid down on the map made by Joseph F. Bridges, for Cornelius Van Vorst, into Communipaw bay, to a point which will be reached by the continuation, in a direct line, of the southerly boundary line of said city; thence easterly in a straight line to the intersection of the westerly and southerly boundary lines of said city; thence northerly along the westerly line of said city, to the place of beginning; and all the inhabitants within the limits aforesaid, shall be, from time to time, and forever hereafter, a part of the body politic and corporate of "the Mayor and Common Council of Jersey City," to all intents and purposes whatsoever, in as full and ample a manner as though the same had been included as, and declared to be, part of the said body politic and corporate by the act, entitled "An Act incorporating Jersey City," passed February 22, 1838.

§ 2. *And be it enacted*, That all the ordinances, by-laws, resolutions and regulations, which shall be in force at the time of the passage of this act, in said city, shall be deemed and taken to apply and operate as effectually within that part of the township of Bergen which by this act is made a part of said city, as the same shall then apply and operate within the bounds of said city: *Provided, however*, that no ordinance, by-law, resolution or regulation, which shall then be in force in said city, or which shall thereafter be ordained, passed, resolved or made, for regulating, laying out, widening, altering, grading, extending, filling up or excavating the streets, highways and public alleys in said city, or any of them, except for cleaning or keeping in repair such streets, highways and alleys, shall be deemed or taken to apply or operate within that part of the township of Bergen which by this act is made a part of said city, until after the expiration of two years next after the passing of this act, without the consent of the owner or owners of more than one half of the land within the same, to be given in writing; *And provided also*, that no tax, assessment or im-

Laws, &c., to apply in new limits.

No street to be altered, &c., for two years, without consent, &c.

No street to be
opened on Van
Vorst property
without consent.

sition whatsoever, shall be laid, made or levied upon the lands included within the limits of that part of the township of Bergen which by this act is made a part of the said city, belonging to the heirs-at-law of John Van Vorst, or any part thereof, for regulating, laying out, widening, altering, grading, extending filling up, excavating, or cleaning any street, or part of street, which now or shall hereafter run through the same, or any part thereof, without the consent of the owner or owners of more than one half of the last mentioned lands, to be given in writing.

Partition walls,
&c.
Excavating
docks, filling
sunken lots, &c.
Wooden build-
ings.

§ 3. *And be it enacted*, That it shall and may be lawful for the Common Council of Jersey City, in addition to the powers heretofore granted, to pass ordinances and by-laws, by not less than six concurring votes, and to enforce the observance of the same, for regulating and governing the building of partition walls and fences, the filling up of sunken lots, the excavating and repairing of docks and slips, and for limiting the height of wooden buildings: *Provided*, that the same shall not go into effect until they shall have been published for the space of twenty days in at least one newspaper published or circulated in said city: *And provided also*, that the same shall have been introduced before the Common Council at a previous meeting.

Taxes.
Collector to
report, &c.

§ 4. *And be it enacted*, That the collector of the said city, in case of the non payment of taxes at the time appointed by law for the payment thereof, shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to the clerk of the Common Council of said city on the twentieth day of December in every year, except when the said day shall happen on a Sunday, and then on the next day following; and it shall be the duty of such clerk to lay the same before the said Common Council, at the meeting thereof, held next after the same shall be delivered to him; and thereupon the said Common Council may deliver the same to such justice or justices of the peace of the county of Bergen, as they shall see fit to proceed thereon according to law: *Provided*, that such collector shall, before he delivers such list to the said clerk, take and subscribe an oath or affirmation before some justice of the peace of the county of Bergen, that the moneys in the said list mentioned,

Common Council
to sue, &c.

Collector to
swear to return.

have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found, or may then reside in the said city.

§ 5. *And be it enacted*, That all taxes and assessments which shall hereafter be assessed or made upon any lands, tenements or real estate situate in Jersey City, shall be and remain a lien thereon for the space of two years from and after the time when the same shall be assessed, notwithstanding any devise, descent, alienation, mortgage, or other incumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the Common Council to cause such lands, tenements or real estate, to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance thereof, remaining unpaid, with the interest thereof, and all costs, charges and expenses, and to execute, under the common seal of the said city, a declaration of such sale, and deliver the same to the said purchaser; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended: *Provided*, that the said Common Council shall first have caused such sale to be advertised for at least sixty days in at least one public newspaper printed and published in said city, and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city, and also by advertisements put up in at least five public places in the said city, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of the assessment: *And provided also*, that the lands, tenements or real estate so sold, may be redeemed by the owner or owners thereof, within two years from the day of the sale, on the payment of the amount of the purchase money, with interest, at the rate of twenty per cent. from the day of sale, and all expenses necessarily incurred for the benefit of the purchaser.

All taxes or assessments to be a lien.

Sale of property on failure of payment, and conditions.

Sixty days' notice of sale to be given.

Property to be described.

And Whereas, The said city was surveyed and plotted into blocks and lots by the Associates of the Jersey Company, who were incorporated on the tenth of November, one thousand eight hundred and four, and the lots were sold agreeably to a map thereof now existing, made by Joseph F. Mangin, bearing date the fifteenth of April, one thousand eight hundred and four, of which no record can be found—therefore,

Authentication of Mangin's map, and map of new boundaries to be made.

§ 6. *And be it enacted,* That it shall and may be lawful for the said Common Council to authenticate the said map, by such proofs as they shall deem satisfactory, and to cause a certified copy thereof, under the seal of the said city, to be filed with their clerk, and a copy thereof to be duly recorded in the office of such clerk; and also to cause a map of the additional territory of the said city, annexed thereto by this act, and of the blocks, streets, docks and slips which may from time to time be made into the waters surrounding said city, to be filed with the clerk, and a copy thereof to be duly recorded.

§ 7. *And be it enacted,* That this act shall go into effect immediately after the passage thereof.

Passed March 8, 1839.

A SUPPLEMENT TO AN ACT, ENTITLED

“An Act to Incorporate Jersey City.”

Passed the 22d of February, 1838.

Part of former act repealed.

§ 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the act to which this is a supplement, as authorizes the Common Council of Jersey City to pass ordinances for regulating petty grocers in selling of liquors, or to grant licenses to victuallers and retailers of spirituous liquors, be, and the same is hereby repealed from and after the passage of this act.

Passed March 11, 1841.

A SUPPLEMENT TO THE ACT, ENTITLED

“An Act Incorporating Jersey City,”

Passed 22d February, 1838.

Sec. 1. BE IT ENACTED *by the Council and General Assembly* Part of former act repealed.
of this State, and it is hereby enacted by the authority of the same,
 That so much of the fourth section of the act to which this is a
 supplement, as declares that “no person shall be elected, or
 serve as Mayor, or Alderman, unless he be a *bona fide* free-
 holder within said city,” shall be, and the same is hereby re-
 pealed, and that nothing in the said act contained, shall be
 construed to prevent any free white male citizen of the United
 States, who shall have resided in said city for one whole year
 next preceding any election, at which such person may be a
 candidate, from being elected to, and holding either of the
 offices above mentioned, upon taking such oath, or giving such
 security, as is now required by existing laws.

Sec. 2. *And be it enacted,* That this act be taken as a public Act when to take effect.
 act, and shall take effect on the second Monday of April next.

Passed March 1, 1844.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED

“An Act Incorporating Jersey City,”

*Passed the twenty-second of February, A. D. eighteen hundred
and thirty-eight.*

BE IT ENACTED *by the Senate and General Assembly of the State* Part of former act repealed.
of New Jersey, That the second proviso in the second section
 of the act, entitled “A supplement to the act, entitled ‘An act
 incorporating Jersey City,’” passed the eighth day of March,
 A. D. eighteen hundred and thirty-nine, be, and the same is
 hereby repealed.

Approved February 27, 1847.

A further Supplement to the Act, entitled
 “An Act Incorporating Jersey City,”

Passed February twenty-second, eighteen hundred and thirty-eight.

Interest to be
charged on
unpaid tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever within the said city, any tax shall remain unpaid at the time appointed by law for the collector of the said city to return a list of the delinquent tax payers, it shall be lawful for the constable authorized to collect such tax, to charge, receive, and collect, in addition to the amount of such tax, interest thereon, to be computed at the rate of twelve per cent. per annum from the twentieth day of December, in each year, until the payment of the same; and such interest shall be paid over and accounted for, by the person receiving the same, to the Mayor and Common Council of said city, as a part of the tax collected by him.

Six per cent. de-
ducted in case of
payment before
return.

2. *And be it enacted*, That if any person or persons from whom any tax shall hereafter be due and payable to the said Mayor and Common Council of Jersey City, for State, county, or city purposes, shall pay the same, or any part thereof, to the collector of said city before the time appointed by law for the said collector to return a list of delinquent tax payers, it shall be lawful for the said collector to allow and deduct from the amount of said tax so paid, interest thereon, to be computed at the rate of six per cent. per annum from the time when the said tax shall be received by the said collector, until the time appointed by law to make such return of the list of delinquents aforesaid; *Provided*, that nothing herein contained shall be so construed as to exempt the said Mayor and Common Council of Jersey City, or the collector of said city, from paying over to the treasurer of this State, or to the collector of the county of Hudson, the full quota of taxes required by law to be raised in said city for State and county purposes.

Compensation to
assessor and col-
lector.

3. *And be it enacted*, That it shall be lawful for the said the Mayor and Common Council of Jersey City, or a majority

of them, in Common Council convened, to declare by ordinance the compensation to be paid to the assessor and collector of said city, for assessing and collecting the State, county, and city taxes, and the same to alter and change from time to time, as to them may seem expedient; and the compensation so declared by the said Mayor and Common Council, shall be the amount to which the said assessor and collector shall be entitled, any thing in the act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six, or the act entitled "An act to incorporate the chosen freeholders in the respective counties of the State," approved April the sixteenth, eighteen hundred and forty-six, to the contrary.

4. *And be it enacted*, That the book in which the said Common Council have caused their ordinances and by-laws to be recorded, and such other book and books as shall be by them provided and kept for that purpose, shall be taken and received in all Courts and places, as evidence of the due passage by said Common Council of all ordinances and by-laws recorded therein; and until the contrary be proved, all ordinances and by-laws recorded in said book or books, shall be presumed to have been introduced, passed, and published according to the requirements of the thirteenth section of the act to which this is a supplement. Books of record to be evidence.

5. *And be it enacted*, That penalties for the violation of any ordinance or any by-law of the said Common Council, may be sued for and recovered, in the Court for the trial of small causes, before any justice of the peace residing in the said county of Hudson. Penalties for violation of ordinance, how recovered.

6. *And be it enacted*, That from any judgment which may be obtained in the Court for the trial of small causes, in any action brought to recover a penalty for the violation of any ordinance or by-law of the said Common Council, except where judgment of imprisonment shall be rendered, either party may appeal, as in other cases, to the Court of Common Pleas of the county of Hudson, to be holden next after the rendering of such judgment; and when the treasurer of the said city shall be appellant, a bond executed by the Mayor, under the seal of said city, without other surety, shall be considered a sufficient appeal bond; and when the judgment shall be rendered Parties aggrieved may appeal.

upon the verdict of a jury, the oath required in such case may be made by the attorney or other person who prosecutes such action in behalf of the said Common Council, and shall state that the said appeal is not intended for the purpose of delay, and that he verily believes the appellant hath a just and legal ground of appeal upon the merits of the case.

Mayor and Common Council to regulate and pave streets, &c.

7. *And be it enacted*, That it shall be lawful hereafter for the said Mayor and Common Council to exercise the same right, power, and authority in and over the Newark turnpike or avenue, and all streets, lanes, and alleys now open, or that shall hereafter be opened, within the limits of said city; and to regulate, grade, pave, curb, gutter, and drain the same; and to charge, assess, collect, and receive the costs and expenses thereof, upon the property benefited thereby, in the same manner and to the same extent, as by law they may in and over any other of the streets within the said city; *Provided always*, that nothing in this act contained, shall be so construed as to subject the said Newark turnpike or avenue, to any tax assessment, or imposition by the said Mayor and Common Council of Jersey City.

8. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1848.

AN ACT

To authorize the Mayor and Common Council of Jersey City to raise by loan for a term of years, fifteen thousand dollars.

Mayor and Common Council to borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Mayor and Common Council of Jersey City to raise by loan, any sum of money not exceeding fifteen thousand dollars, for a term of years, for the purpose of paying temporary loans expended for permanent improvements, and to issue the bonds of said city therefor, payable within fifteen years from the passage of this act, with the interest thereon, not exceeding seven per centum per annum; *Provided however*, that such loan, or any part thereof, shall not be raised unless ordered by a resolution of

the said Mayor and Common Council, introduced at a regular meeting preceding its passage, and to be passed by at least seven concurring votes, at a regular meeting.

2. *And be it enacted*, That it shall be the duty of the said Mayor and Common Council, for the purpose of redeeming the said loan, to raise annually, by tax, some part of said loan, so that, at the expiration of the said term of fifteen years, said loan shall be fully redeemed, and also, an annual tax, to provide for the payment of the interest upon said loan; *Provided*, that the sum raised each and every year, shall equal at least five hundred dollars.

Redemption money to be raised by tax.

3 *And be it enacted*, That this act shall take effect immediately.

Approved February 24, 1849.

An Act

TO SET OFF THE

TOWNSHIP OF VAN VORST,

IN THE COUNTY OF HUDSON.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, Boundaries of the township of Van Vorst. That all that part of the district of the township of Bergen, lying within the following boundary: Beginning on the New York bay, or Hoboken cove, at a place where the Creek of the Woods, or Mill creek empties into the same; thence, following said creek till it comes to a sprout of said creek, which runs into Hoboken meadow; thence, in a northwesterly direction, till it meets the Hoboken bank; thence southwesterly, along said bank, till it comes to the upland at the foot of the hill; thence southerly, along the foot of the hill, in a straight line, till it intersects the aforesaid Creek of the Woods, or Mill creek; thence, following the middle of said creek, to its entrance in the Cummunepau cove, or York bay; thence, up to and along the line of Jersey City, to the place of beginning;

be, and the same is hereby set off from the said township of Bergen, and erected into a separate township, to be known by the name of "the township of Van Vorst, in the county of Hudson."

Inhabitants
incorporated.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Van Vorst shall be, and they are hereby incorporated by the name of "the inhabitants of the township of Van Vorst, in the county of Hudson," and vested with, and entitled to all the power, privileges, authorities and advantages, and subject to the like regulations, duties and liabilities, as other townships in this State.

Town meetings,
when and where
held.

Sec. 3. *And be it enacted*, That the inhabitants of the said township of Van Vorst shall hold their first annual town meeting at the house of David Bedford, innkeeper, at Harsimus, on the day appointed by law for holding the annual town meetings in the other townships in the county of Hudson.

Elections, &c.,
to be by ballot.

Sec. 4. *And be it enacted*, That the several township officers, and the number of such officers, when not prescribed by law, and all appropriations of money which are or may be authorized by law to be elected and made, and the place or places of holding elections and town meetings, shall be elected, determined, made, and appointed by a plurality of votes, by ballot, in any town meetings to be held in the said township, and not otherwise.

Township Com-
mittee to make
report.

Sec. 5. *And be it enacted*, That it shall be the duty of the Township Committee of said township, at least eight days previous to the annual town meeting in each and every year, to meet and make out a report, as directed in the twelfth section of the act, entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings;" and it shall be the duty of the clerk of said township to attend said meeting, and all other meetings of the Committee, and to record their acts and proceedings in a book to be kept for that purpose, and to cause said report to be published in the form of handbills, or otherwise, as the said Committee shall direct, for which the said clerk shall be allowed all reasonable charges, to be determined by said Committee.

Officers of elec-
tion, how chosen,

Sec. 6. *And be it enacted*, That at the first annual town meeting to be holden in pursuance of this act, the inhabitants of said

township entitled by law to vote at town meetings, present, shall, at the hour of ten o'clock in the forenoon, choose three reputable freeholders as inspectors, and one reputable freeholder to be clerk of said election; and the said inspectors and clerk shall conduct the said election, and be governed in all things as is hereinafter prescribed for holding the annual town meetings in the said township.

Sec. 7. *And be it enacted*, That the judge of election, the assessor and collector of said township of the preceding year, shall constitute a board of inspectors to conduct and regulate such election, who shall open the poll at ten o'clock in the forenoon, and close the same at five o'clock in the afternoon, shall take the same oath, perform the same duties, be invested with the same power, liable to the same penalties, and conduct the said election in all respects as is or may be directed by the laws regulating State and county elections, so far as the same are applicable; and all persons who by law are or may be qualified to vote at town meetings, shall be entitled to vote at such election; and the votes and ballots shall be forthwith canvassed, and a return thereof made to the township clerk, who shall record and file the same; and that the officers conducting any township election, shall not be disqualified from being elected to, or holding any township office.

Board of inspectors, their duties.

Sec. 8. *And be it enacted*, That if the judge of election, assessor, or collector, or either of them, shall be absent or sick at the time and place of holding any town meeting, then the persons present at the time for opening the polls, entitled to vote, shall proceed to choose a person or persons to serve in the stead of him or them so absent or unable to serve, which person or persons so chosen, shall take the oath or affirmation herein before required, and shall in all respects perform the duties and services, and be entitled to the same compensation, and subject to the like penalties, as is specified for the said judge, assessor and collector.

Vacancies, how supplied.

Sec 9. *And be it enacted*, That the judge of election, assessor, collector, and clerk, for holding any annual or special township election, shall severally be entitled to the sum of one dollar and fifty cents per day for their services, to be paid by the Township Committee.

Compensation to certain officers.

Committee to ap-
portion property,
debts, &c.

Sec. 10. *And be it enacted*, That the Township Committees of the township of Bergen and the township of Van Vorst, shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the public house of Henry Drayton, in North Bergen, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships, all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor, within the respective limits of the said two townships at the last assessment, and may adjourn the said meeting from time to time, and to such time and place as a majority of those assembled may think proper; and the township of Van Vorst shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said Township Committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision, or a decision of a majority of them, shall be final and conclusive.

Settlement of
paupers.

Sec. 11. *And be it enacted*, That all paupers who may be chargeable to the said township of Bergen at the time this act goes into operation, shall thereafter be chargeable to, and supported by that township, within the bounds of which they have acquired their settlements, respectively, or in which said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the township of Bergen, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships of Van Vorst and Bergen, within the bounds of which they resided at the time of acquiring their respective settlements.

Act when to take
effect.

Sec. 12. *And be it enacted*, That this act shall take effect on the second Monday in April next, and not before, and that all persons then residing within the limits of the township of Van Vorst, who would have been entitled to vote at the next annual town meeting of the township of Bergen, if this act had not passed, shall be entitled to vote at the town meeting of the said township of Van Vorst, to be held on the said second Monday in April next.

Passed March 11, 1841.

A SUPPLEMENT TO THE ACT, ENTITLED

“An Act to set off the Township of Van Vorst,
IN THE COUNTY OF HUDSON.”

Passed March 11, 1841.

WHEREAS, the inhabitants of the township of Van Vorst, in **Preamble.** the county of Hudson, have, by their petition, represented to this Legislature, that by the act to which this is a supplement, the metes and bounds of their said township have not been so set forth, as definitely to include the territory designed to be set apart for said township, and have also represented, that their taxation, as heretofore assessed upon them under the existing laws of this State, is disproportionate and unequal, bearing lightly and nominally only, upon the few wealthy landholders, but oppressively upon the large portion of the people, and the owners of small freehold estates;—And whereas, it appears that the said township is composed of a small table of land adjoining Jersey City, the whole of which said township has been laid out into building lots and streets, and that the same is rapidly improving, and it manifestly appearing to be just and reasonable that all said building lots should be equally assessed according to their relative value, and not by the acre, in cases where there may be an owner of such lots amounting to twenty acres or more, as now assessed;—And whereas, the said petitioners have represented, that it would conduce to their advantage to have a common grade or grades for said streets duly established and fixed, and also to have the sidewalks therein duly regulated and paved; but that they have no adequate power to effect the same, or to provide for the other necessary improvements which their common welfare and safety demand, and have prayed the aid of the Legislature in this behalf; therefore—

Boundaries of
township of
Van Vorst.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That "the township of Van Vorst, in the county of Hudson," shall be designated and known as all that part or district, formerly a part of the township of Bergen, in said county, which lies within the following boundaries, viz.: beginning in the middle of the Hudson river; thence northwesterly to the mouth of the creek or stream known as "the Creek of the Woods," or "Mill creek;" thence running in a westerly course to the middle of the mouth of the said creek; thence following up the centre of said creek, till it comes to the sprout of said creek, which runs into the Hoboken meadow; thence in a northwesterly direction, till it meets the Hoboken embankment; thence southwesterly along said embankment, till it comes to the upland at the foot of the hill; thence southerly along the foot of the hill, in a straight line, till it intersects the aforesaid "Creek of the Woods," or "Mill creek;" thence following the middle of said creek, to its entrance in the Communipaw cove, or York bay; thence down said cove or bay to the southwesterly corner of the Jersey City boundary line; thence northerly along the westerly line of said boundary line of Jersey City, to the middle of South-Eighth street; thence easterly along the middle of said street, until it reaches Harsimus street; thence northerly and easterly along the boundary line of Jersey City, to the centre of the Hudson river; thence northerly along the said river, to the place of beginning.

Assessment of
taxes.

Sec. 2. *And be it enacted,* That the assessor or assessors of the township of Van Vorst, in the county of Hudson, hereafter in assessing all taxes authorized, or which may be authorized by law, for State, county and township purposes, shall assess and rate all tracts or lots of land, and all houses and lots of land within the said township, according to the actual value thereof, to be rated and valued at the discretion of the said assessor or assessors, reserving the same appeal, and authorizing the collection of the same in the same way and manner, in all respects as is now or may hereafter be reserved and prescribed by the laws of this State; *Provided however,* that the proportion or quota of tax to be levied and collected in said

Proviso.

township, for State and county purposes, shall nevertheless, be adjusted and fixed from year to year, upon the same basis or ratio, as by the laws of this State, is or may be adjusted or fixed for other townships in this State.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the Town Committee of said township, to pass, by not less than three concurring votes, and to enforce all such orders as they shall from time to time judge proper, for establishing and fixing the grades of all the streets in said township,—a proper chart or map whereof, with reference to the necessary monuments and plans, they shall cause to be filed in the office of the Clerk of the Court of Common Pleas of the county of Hudson, there to remain as evidence in all cases and matters relating to said grades; and also, for regulating and keeping the said streets and side-walks in repair; for abating or removing any nuisance, in any street or on any wharf, or in or upon any lot or lots, or enclosure or other place or places in said township; for paving, curbing; and guttering the side-walks; for regulating and sinking wells and pumps; for providing water reservoirs and aqueducts; for extinguishing fires; for appointing and removing fire-wardens, fire-engineers and firemen, and for prescribing their duties; for erecting street lamps and lighting the same; for erecting and maintaining a town house and school houses, together with such other public buildings as may be necessary or convenient for the people of said township.

Town Committee
authorized to
grade and regu-
late streets.

Sec. 4. *And be it enacted*, That it shall be lawful for the said Town Committee of said township, to raise by tax, from year to year, such sum or sums of money as they may deem necessary, for defraying the expenses of establishing and fixing the grade or grades of the streets; for regulating and keeping the same in repair, as now are or may hereafter be opened; for abating or removing any nuisance; for procuring fire engines; for supporting a night watch, when necessary; for erecting and maintaining a town house and school houses, and for defraying the contingent expenses of said township, and for all other public purposes and objects, authorized by this act, to be assessed upon the persons and property of the residents of said township, as is by law now or may be authorized, and

Town Committee
authorized to re-
ceive tax for ex-
penses of town-
ship.

Proviso.

upon the real estate of residents and non-residents, as in and by the first section of this act is authorized; *Provided*, the said Town Committee shall not raise a greater sum than two hundred and fifty dollars in one year, unless by consent of a majority of the voters of said township, in town meeting duly convened, which taxes shall be collected by the collector of said township, and paid into the hands of the said Town Committee, or their treasurer, subject to the order and disposition of said Town Committee; and the said collector shall proceed in all things as by the laws of this State, township collectors are bound to proceed, and shall be liable to the same pains and penalties as prescribed in similar cases; and such further proceedings shall thereafter be had, in cases of any persons being delinquent in paying said taxes, as now is prescribed by the laws of this State, for the collection of State, county and township taxes.

**Town Committee
to authorize
assessment for
improvements.**

Sec. 5. *And be it enacted*, That it shall and may be lawful for the said Town Committee, in each and every case where improvements shall be prayed for, as hereinafter contemplated, and orders passed by the said Town Committee for the purpose, to appoint three discreet, impartial and disinterested freeholders of said township, who shall be duly sworn or affirmed, to assess upon principles of equity, and according to the benefit which the owner or owners thereof may derive therefrom; the real estate in said township for the improvements so as aforesaid, to be made in the streets or parts of streets, and for paving, curbing and guttering the said walks or any part thereof; for regulating and sinking wells and pumps; for making reservoirs and aqueducts, for the purpose of extinguishing fires; for erecting street lamps and lighting the same: which said assessment shall be collected under and by virtue of an order or orders for the purpose, to be awarded and issued by the said Town Committee, under their hands and seal, in the nature of a warrant, to distrain and sell the personal estate of the owner or owners of the said real estate so assessed, directed to one of the constables of said township, whose duty it shall be to return the said warrant to the said Town Committee, within thirty days thereafter, with the mo-

neys raised thereupon ; and in case the moneys therein required to be made, together with the costs or any part thereof, cannot be made on the said warrant, the said constable shall return the said warrant, with a certificate thereof, within the said thirty days at least, to the said Town Committee, after which time the said Committee may proceed to enforce the lien hereafter created, upon the said real estate ; *Provided*, that no assess- Proviso. ment shall become final, until after notice thereof shall have been published by the said three assessors, by notice in writing, set in five of the most public places in the township, for the space of thirty days at least, and until the same shall have been confirmed by the said Town Committee, of the meeting of which said Committee, like public notice shall be given, and to whom any person aggrieved may at that time appeal for relief ; and provided also, that no such assessment shall be made, unless upon petition of the owners of the lots interested in such improvement.

Sec. 6. *And be it enacted*, That the taxes and assessments Lands may be sold for arrears of tax. which shall be assessed or made upon any real estate in said township by virtue of this act, shall be and remain a lien thereon, for the space of two years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alteration, mortgage, or other encumbrance thereof ; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the Town Committee of said township, to cause such lands, tenements, or real estate, to be sold at public auction, for the shortest time for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof, remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under their hands and seals, a declaration of such sale, and deliver the same to the purchaser ; and such purchaser, his executors, administrators or assigns, shall by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his and their own use, against the owner or owners thereof, and all persons claiming under him or them, until his or her said time shall be completed and

Proviso.

ended; *Provided*, that the said Town Committee shall have first caused such sale to be advertised for at least sixty days, in at least one public newspaper printed and published in said township, and if no newspaper shall be printed and published in said township, then in at least one public newspaper printed and published in this State, and generally circulated in said township, and also by advertisements put up in at least five public places in the said township, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of the tax or assessment thereon; and provided also, that the lands, tenements, or real estate, so sold, may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of the sale, on the payment of the amount of the purchase money, with interest, at the rate of twelve per cent. per annum, from the day of sale, and all expenses necessarily incurred thereupon; and provided also, that in case the same shall be paid as hereinbefore provided by the mortgagee or mortgagees, then, and in that case the whole amount of that payment shall be recoverable under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same way and manner, in all respects, as if the same were included in and intended to be secured by the said mortgage.

Act when to take effect.

Sec. 7. *And be it enacted*,* That this act shall go into operation on and after the second Monday in April next; *Provided*, it shall be approved by three-fifths of all the legal voters of the said township, at a public meeting to be called for that purpose, upon ten days' previous notice thereof, by written advertisements, to be set up by the Township Committee of said township, and it shall then, if approved, be considered a public act.

Passed February 29, 1844.

A FURTHER SUPPLEMENT TO

“An Act to set off the Township of Van Vorst,
IN THE COUNTY OF HUDSON.”

WHEREAS, by the seventh section of an act supplemental to Preamble.
“An act to set off the township of Van Vorst, in the county of Hudson,” which said supplement was passed the twenty-ninth day of February, A. D. eighteen hundred and forty-four, it was enacted, that said act should go into operation on and after the second Monday in April then next, provided it should be approved by three-fifths of all the legal voters of the said township, at a public meeting to be called for that purpose, upon ten days’ previous notice thereof, by written advertisements to be set up by the Township Committee of said township, and it should then, if approved, be considered a public act; And whereas, the said supplemental act has been submitted for the approval of the legal voters of said township, at an election for that purpose held in said township, at which election sixty-four votes were given in favor of said law, and three votes were given against the same; And whereas, doubts have arisen whether the whole number of votes given at such election, did amount to three-fifths of all the legal voters of the said township, and doubts have arisen as to the validity of said supplemental act; And whereas, taxes have been assessed, under the authority given by said supplemental act, and improvements have been made by virtue of the power and authority therein contained; now, therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, as follows :*

Sec. 1. The said act entitled “A supplement to an act, Former act declared valid. entitled ‘An act to set off the township of Van Vorst, in the county of Hudson,’ ” passed the twenty-ninth of February, A. D. eighteen hundred and forty-four, be, and the same is hereby declared to be valid and in force; and that all acts, doings and proceedings, which have heretofore been had or done, and

which shall have been in pursuance of the powers and authorities conferred by the said supplemental act, passed as aforesaid, on the twenty-ninth day of February, A. D. eighteen hundred and forty-four, be declared valid and operative in law, in the same manner and to the same extent, as if the said supplemental act had become a law of this State on the second Monday in April, A. D. eighteen hundred and forty-four.

Assessments,
how made.

Sec. 2. The assessments authorized to be made by virtue of the said supplemental act, shall hereafter be made upon petition of the owners of a majority of the lots interested in such improvement, for which such assessment shall be made.

Vacancies, how
supplied.

Sec. 3. In case of a vacancy in any office of the said township, occasioned by death, disqualification to hold such office, resignation or removal from said township, such vacancy shall be filled by a majority of the Town Committee of the said township; and the officer or officers so appointed by the said Town Committee, shall hold their offices till the next annual election in the said township, and till other officers shall be appointed to supply such vacancy.

Act when to take
effect.

Sec. 4. This act shall take effect immediately after the passage thereof.

Approved February 12, 1845.

A FURTHER SUPPLEMENT TO

“An Act to set off the Township of Van Vorst, in the County of Hudson.”

Township Com-
mittee to pass
ordinances for
regulation of
township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Township Committee of said township or a majority of them, in committee convened, to pass, by not less than three concurring votes, and enforce all such ordinances as they shall judge proper, for regulating, cleaning, and keeping in repair the side-walks, and for preventing the encumbering or obstructing

the same ; and for preventing persons from riding, driving, or passing over or upon the said side-walks with horses or oxen, or with wagons, carts or carriages of any description ; for abating or removing any nuisance in any street ; and for protecting the trees and lamps in said township ; *Provided always*, that every and each ordinance so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published or circulated in said township, before said ordinance shall go into effect.

2. *And be it enacted*, That this act shall take effect immediately. Act when to take effect.

Approved March 26, 1846.

AN ACT

To amend the several Acts relating to the township of Van Vorst, in the County of Hudson, passed, respectively, on the twenty-ninth of February, eighteen hundred and forty-four, on the twelfth of February, eighteen hundred and fifty-five, and on the twenty-sixth of March, eighteen hundred and forty-six.

WHEREAS the inhabitants of the township of Van Vorst, in Preamble. the county of Hudson, have by their petition, represented to this Legislature, that, by the act to which this is a supplement, the metes and bounds of their said township have not been so set forth as definitely to include the territory designed to be set apart for said township ; and have also represented that their taxation, as heretofore assessed upon them under the existing laws of this State, is disproportioned and unequal, bearing lightly and nominally only upon the few wealthy landholders, but oppressively upon the large portion of the people and the owners of small freehold estates ; and whereas it appears that the said township is composed of a small table of land, adjoining Jersey City, the whole of which said township has been laid out into building lots and streets, and that the same is rapidly improving ; and it manifestly appearing to be just and reasonable that all said building lots should be equally

assessed according to their relative value, and not by the acre, in cases where there may be an owner of such lots amounting to twenty acres or more, as now assessed ; and whereas the petitioners have represented that it would conduce to their advantage to have a common grade or grades for said streets duly established and fixed, and also to have the side-walks therein duly regulated and paved, and the streets therein paved, flagged, McAdamized, or gravelled, but that they have no adequate power to effect the same, or to provide for the other necessary improvements which their common welfare and safety demand, and have prayed the aid of the Legislature in this behalf, therefore—

Boundaries of
township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Van Vorst, in the county of Hudson, shall be designated and known as all that part or district, formerly a part of the township of Bergen, in said county, which lies within the following boundaries, viz : beginning in the middle of the Hudson river ; thence north-westerly to the mouth of the creek or stream known as the Creek of the Woods or Mill creek ; thence running in a westerly course to the middle of the mouth of the said creek ; thence following up the centre of said creek till it comes to the sprout of said creek which runs into the Hoboken meadow ; thence in a north-westerly direction till it meets the Hoboken embankment ; thence southwesterly along said embankment till it comes to the upland at the foot of the hill ; thence southerly along the foot of the hill, in a straight line, till it intersects the aforesaid Creek of the Woods or Mill creek ; thence following the middle of said creek to its entrance in the Communipaw cove, or York bay ; thence down said cove or bay to the south-westerly corner of the Jersey City boundary line ; thence northerly along the westerly line of said boundary line of Jersey City to the middle of South Eighth street ; thence easterly along the middle of said street until it reaches Harsimus street ; thence northerly and easterly along the boundary line of Jersey City to the centre of the Hudson river ; thence northerly along the said river to the place of beginning.

2. *And be it enacted*, That the assessor or assessors of ^{Taxes, how assessed.} the township of Van Vorst, in the county of Hudson, in assessing all taxes authorized, or which may be authorized by law, for State, county, and township purposes, shall assess and rate all tracts or lots of land, and all houses and lots of land within the said township, according to the actual value thereof, to be rated and valued at the discretion of the said assessor or assessors, reserving the same appeal, and authorizing the collection of the same, in the same way and manner, in all respects, as is now or may hereafter be reserved and prescribed by the laws of this State; *Provided however*, that the proportion or quota of tax to be levied and collected in said township for State and county purposes, shall nevertheless be adjusted and fixed from year to year upon the same basis or ratio, as by the laws of this State is or may be adjusted or fixed for other townships in this State.

3. *And be it enacted*, That it shall and may be lawful for the ^{Duties and powers of Township Committee.} Township Committee of said township, or a majority of them, in Committee convened, to pass, by not less than three concurring votes, and enforce all such ordinances as they shall from time to time judge proper for establishing and fixing the grades of all the streets in said township, a proper chart or map whereof, with references to the necessary monuments and plans, they shall cause to be filed in the office of the Clerk of the Court of Common Pleas of the county of Hudson, there to remain as evidence in all cases and matters relating to said grades; and also for regulating and keeping the said streets and side-walks in repair, and for preventing the encumbering or obstructing any street or streets, or any of the side-walks; for preventing persons from riding, driving, or passing over or upon any of the side-walks with horses or oxen, or with wagons, carriages, or carts, of any description, and for protecting the trees, lamp posts and lamps; for preventing and regulating the running at large of cattle, horses, dogs, and swine; for abating or removing any nuisance in any street or on any wharf, or in or upon any lot or lots or enclosure, or other place or places in said township; for flagging, curbing, and guttering the side-walks; for paving, flagging, McAdam-

izing, or gravelling any street or streets; for regulating and sinking wells and pumps; for providing water, reservoirs, and aqueducts for extinguishing fires; for making sewers; for appointing and removing fire wardens, fire engineers, and firemen, and for prescribing their duties; for erecting street lamps; for erecting and maintaining a town-house and school-house, and purchasing sufficient ground for the use of the same, together with such other public buildings as may be necessary or convenient for the people of said township; *Provided always*, that every and each ordinance, so passed as aforesaid, shall be published for the space of four weeks, at least once a week, in at least one newspaper published or circulated in said township, before said ordinance shall go into effect.

Township Committee to raise tax.

4. *And be it enacted*, That it shall and may be lawful for the said Township Committee of said township to raise by tax, from year to year, such sum or sums of money as they may deem necessary for defraying the expenses of establishing and fixing the grade or grades of streets, for regulating and keeping the same in repair, as now or may hereafter be opened; for abating or removing any nuisance; for procuring fire-engines and building engine-houses; for supporting a night-watch when necessary; and for defraying the contingent expenses of said township, and for all other public purposes and objects authorized by this act, to be assessed upon the persons and property of the residents of said township, as is by law now or may be authorized, and upon the real estate of residents and non-residents, as in and by the first section of this act is authorized; *Provided*, the said Township Committee shall not raise a greater sum than two hundred and fifty dollars in one year, which sum may be increased to one thousand dollars, by consent of a majority of the voters of said township, in town meeting duly and lawfully convened; which taxes shall be assessed by the assessor, and collected by the collector of said township, and paid into the hands of the treasurer of the said township, subject to the order and disposition of said Township Committee; and the said assessor and collector shall proceed in all things as by the laws of this State township assessors and collectors are bound to proceed, and shall be

liable to the same pains and penalties as prescribed in similar cases ; and such further proceedings shall hereafter be had in case of any persons being delinquent in paying said taxes, as now is prescribed by the laws of this State for the collection of State, county, and township taxes.

5. *And be it enacted*, That it shall and may be lawful for the said Township Committee of said township to purchase sufficient lands for the erection of a town-house, school-house, and engine-houses, and give a bond and mortgage for the purchase money ; which said bond and mortgage shall be given in the name of the inhabitants of the township of Von Vorst, and signed by the Township Committee, under their hands and seals ; and also to borrow a sum of money, not exceeding six thousand dollars, for the erecting and completing said buildings, by issuing township bonds in sums of not less than one hundred dollars each ; which bonds shall be in the name of the inhabitants of the township of Van Vorst, and signed by the Township Committee, under their hands and seals, and bearing interest at six per cent. per annum.

Township Committee to purchase lands and erect public buildings.

6. *And be it enacted*, That it shall and may be lawful for the said Township Committee, in each and every case when improvements shall be prayed for, as hereinafter contemplated, and an ordinance passed by the said Township Committee for the purpose, to appoint three discreet, impartial, and disinterested freeholders of said township, who shall be duly sworn or affirmed to assess, upon principles of equity and according to the benefit which the owner or owners thereof may derive therefrom, the real estate in said township, for the improvements so as aforesaid to be made in the streets or parts of streets, and for flagging, curbing, and guttering the side-walks or any part thereof, and for paving, flagging, McAdamizing, or gravelling any street or streets of said township, for regulating and sinking wells and pumps, for making reservoirs and aqueducts for the purpose of extinguishing fires and for erecting street lamps ; which said assessment shall be collected under and by virtue of an order or orders for the purpose, to be awarded and issued by the said Township Committee, under their hands and seals, in the nature of a warrant to distrain and sell the personal estate of the owner or owners of the said

Assessments, how made and collected.

Penalties, how collected.

real estate so assessed, directed to one of the constables of said township, whose duty it shall be to return the said warrant to the said Township Committee within thirty days thereafter, with the moneys raised thereupon; provided, that no distress shall be made by virtue of the said warrant until demand made by the said constable for the payment of such assessment or assessments, and refusal or neglect of payment for the space of ten days after such demand; and in case the moneys therein required to be made, together with the costs, or any part thereof, cannot be made on the said warrant, the said constable shall return the said warrant, with a certificate thereof, within the said thirty days, to the said Township Committee, after which time the said committee may proceed to enforce the lien hereinafter created upon the said real estate; *provided*, that no assessments shall become final until after notice thereof shall have been published by the said three assessors, by notice in writing set up in five of the most public places in the township, for the space of thirty days at least, and until the same shall have been confirmed by the said Township Committee; of the meeting of the said committee for that purpose, like public notice shall be given, and to whom any person aggrieved may at that time apply for relief; *And provided also*, that no such assessment shall be made unless upon petition of the owners of a majority of the lots interested in such improvement for which such assessment shall be made.

Lands may be
sold for non-
payment of tax.

7. *And be it enacted*, That the taxes and assessments which shall be assessed or made upon any real estate in the said township, by virtue of this act, shall be and remain a lien thereon for a space of two years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage, or other encumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the Township Committee of said township to cause the said lands, tenements, or real estate to be sold at public auction, for the shortest time for which any person will agree to take the same and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon,

and all costs, charges, and expenses, and to execute, under their hands and seals, a declaration of such sale, and deliver the same to the purchaser; and such purchaser, his executors, administrators, or assigns shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his and their own use, against the owner or owners thereof, and all persons claiming under him or them, until his or her said time shall be complete and ended; *Provided*, that the said Township Committee shall have first caused such sale to be advertised, at least once a week of eight weeks, in at least one public newspaper printed and published in said township, and if no newspaper shall be printed and published in said township, then in at least one public newspaper printed and published in the county of Hudson, and generally circulated in said township, and also, by advertisements put up in at least in five public places in said township, (all of which advertisements shall be signed by the chairman of the Township Committee, and attested by the clerk of the township,) which advertisements shall fully describe the said lands, tenements, or real estate, and specify the amount of the tax or assessment thereon; *And provided also*, that the lands, tenements, or real estate so sold may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the amount of the purchase money, with interest, at the rate of twelve per cent. per annum, from the day of sale, and all expenses necessarily incurred thereon; *And provided also*, that in case the same shall be paid, as hereinbefore provided, by the mortgagee or mortgagees, then and in that case the whole amount of that payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same way and manner, in all respects, as if the same were included in and intended to be secured by the said mortgage.

8. *And be it enacted*, That it shall and may be lawful for the Township Committee of said township, or a majority of them, in Committee convened, by not less than three concurring votes, to pass and enforce all such by-laws and ordinances as may be found expedient to carry into effect the powers

Township Committee may pass by-laws, &c.

hereby granted to said Township Committee, and to impose reasonable penalties for the breaches or for the non-observance thereof, not exceeding the sum of twenty-five dollars for any one offence; *Provided*, such by-laws and ordinances be not contrary to the constitution or legislative acts of this State or of the United States; and all penalties inflicted by the by-laws or ordinances of the Township Committee, may be sued for and recovered, with costs, in an action of debt, in the name of the treasurer of the said township, for the use of the township, without specifying the individual name of the treasurer of said township for the time being, before any justice of the peace residing in the county of Hudson; in which action the first process may be either by summons or warrant, and in which action it shall be lawful to declare generally in debt, for such penalty, and give the special matter in evidence; and that upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the inhabitants of the township of Van Vorst or the treasurer of the township of Van Vorst are a party, or in which they, or either of them, are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder, or freeman of said township; and that if any person shall be sued or impleaded by reason of anything done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

Treasurer, how
elected.

9. *And be it enacted*, That it shall be the duty of the Township Committee, at their first annual meeting, to elect by not less than three concurring votes, a suitable person, being a freeholder and resident, who shall be treasurer of the township for one year and until another person is elected in his place, who, before entering upon the duties of his office, shall enter into bond to the township, with such security and in such amount as the Township Committee shall approve, conditioned for the faithful performance of the duties of said office.

Vacancies, how
supplied.

10. *And be it enacted*, That in case of a vacancy in any office of the said township, occasioned by death, disqualification to hold such office, resignation, or removal from said township, or in case of a tie vote at an annual election, such vacancy shall be filled by a majority of the Township Com-

mittee of the said township, in Committee convened; and the officer or officers so appointed by the Township Committee shall hold their office till the next annual election in the said township, and till other officers shall be appointed to supply such vacancy.

11. *And be it enacted*, That the acts entitled "A supplement to the act entitled an act to set off the township of Van Vorst, in the county of Hudson, passed March eleventh, eighteen hundred and forty-one," passed February twenty-ninth, eighteen hundred and forty-four, "A further supplement to an act to set off the township of Van Vorst, in the county of Hudson," passed February twelfth, eighteen hundred and forty-five, and "A further supplement to an act to set off the township of Van Vorst, in the county of Hudson," passed March twenty-sixth, eighteen hundred and forty-six, be, and the same are hereby repealed; *Provided nevertheless*, that such repeal shall not render ineffectual any thing lawfully done under and by virtue of said acts. Former acts repealed.

12. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1848.

A N A C T

To enable the township of Van Vorst, in the county of Hudson, to grade, pave, curb, and drain the Newark turnpike road within its limits.

WHEREAS the township of Van Vorst, in the county of Hudson, has become so populous as to render it desirable to have the Newark turnpike road, or avenue, regulated, graded, paved, curbed, and drained, and for that purpose to exercise jurisdiction over so much of the said turnpike road as lies within the aforesaid township—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township of Van Vorst to make any contract or contracts with the Newark Township of Van Vorst may make contracts with company.

Turnpike Company for regulating, grading, paving, curbing, and draining that part of the Newark turnpike road, or avenue, which lies within the said township of Van Vorst, or so much thereof, as shall from time to time be agreed upon by the respective parties, so as to give the same authority over, and power and right to improve the said turnpike road, or avenue, to the said township, as it now possesses by law over other streets or avenues in said township; *provided always*, that nothing in this act contained shall be so construed as to subject the said Newark turnpike road, or avenue, to any tax, assessment or imposition, other than shall be assented to by them under and by virtue of this act.

Approved February 28, 1849.

A SUPPLEMENT TO THE ACT, ENTITLED

“An Act to amend the several acts relating to the Township of Van Vorst, in the County of Hudson.”

Passed, respectively, on the twenty-ninth of February, eighteen hundred and forty-four, on the twelfth of February, eighteen hundred and forty-five, on the twenty-sixth of March, eighteen hundred and forty-six, on the twenty-fifth of February, eighteen hundred and forty-eight.

Preamble.

WHEREAS it is represented to this Legislature, by petition of the inhabitants of the township of Van Vorst, in the county of Hudson, that the law, to which this is a supplement, is inadequate and insufficient to meet the just and reasonable demands of the people of said township, now rapidly increasing in population and improvements, and that it is immediately necessary that their Town Committee should have the further powers of constructing drains and sewers in their streets and avenues, and of lighting the said streets and avenues—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Township Committee of the township of Van Vorst, in Committee convened, to pass by not less than three concurring votes, and to enforce all such ordinances as they shall judge proper for the construction of common drains and sewers, with all necessary culverts and receiving basins, in the streets, roads, avenues, and alleys in said township, upon the petition in writing of the owners of more than one half part of the lands to be benefited and drained thereby; and to assess the costs and expenses thereof, including all incidental charges, upon the lands benefited by such drain or drains, sewer or sewers; and to collect the same in the same manner as in and by the law to which this is a supplement, is provided for collecting the costs and expenses of paving and grading the said streets; and for this purpose the costs, expenses, and charges of said drains or sewers shall, in like manner, be a lien upon the said lands so benefited thereby.

Township Committee authorized to pass laws for constructing drains.

2. *And be it enacted*, That it shall be lawful for the said Township Committee in Committee convened, to pass by not less than three concurring votes, and to enforce all such ordinances as they shall deem proper for the purpose of providing lamps, lamp posts, and for lighting and keeping the same lighted, in the lamp district of said township; the said lamp district shall begin at the north-west corner of Brunswick and North First streets; thence easterly along North First street to the corner of Grove street; thence along Grove street southerly, to the south side of Pavonia Avenue; thence easterly, to Prospect street; thence southerly, to South Eighth street; thence westerly to Grove street; thence southerly, along Grove and Kellogg streets, to the Morris canal; thence westerly, to Jersey street; thence northerly, to Railroad Avenue; thence westerly, to Gilbert street; thence northerly, across Railroad Avenue until it strikes Brunswick street; thence along the said street to the place of beginning.

May pass ordinances for lamp posts, &c.

3. *And be it enacted*, That the majority of the voters at the annual town meeting in said township may determine, vote, grant, and raise such sum of money as may be necessary for the purpose of providing lamps, lamp posts, and for lighting

Money for lamps &c., how to be raised.

and keeping the lamps lighted in the lamp district of said township ; which sum shall be assessed, levied, and collected in the said lamp district as other taxes are raised for township purposes, viz : of the persons and property of the residents of the said district and the property of non-residents ; and which said sum or sums, so voted, raised, and granted, shall be applied, by and under the direction of the Town Committee of said township, for the purposes herein indicated.

Amount of
money to be
raised.

4. *And be it enacted*, That the voters of said township, at their annual town meeting, may, by a majority of the votes cast, vote, raise, and grant, for township purposes, any sum not exceeding in the whole for all township purposes, including the expenses of the lamp district, the sum of eight thousand dollars.

Interest on
assessments.

5. *And be it enacted*, That it shall be lawful for the said Township Committee to charge, receive, and collect interest, at the rate of six per centum per annum, upon all assessments for improvements authorized by this act, or the acts to which this is a supplement, from and after the expiration of thirty days from the confirmation of any such assessment by the said Township Committee, until the same is paid ; and if any such assessment shall remain unpaid for the space of ninety days from the date of the confirmation thereof, then it shall be lawful for the said Township Committee to charge, receive, and collect interest thereon, at the rate of twelve per centum per annum, from the date of the confirmation of the said assessment, as aforesaid ; and such interest shall be and remain a lien upon the said real estate, and the payment thereof shall be enforced in the manner provided in the said act to which this is a supplement.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 6, 1850.

An Act to incorporate the Jersey City Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the* Names of corporators.
State of New Jersey, That Peter McMartin, Benjamin O. Edge,
 Andrew Clerk, Peter Bentley, and Erastus Randall, and all
 and every person or persons who may become subscribers,
 according to the mode hereinafter prescribed, and their suc-
 cessors, are hereby created a body politic and corporate in
 fact, by the name of "The Jersey City Gas Light Company," Style of incorporation and general powers.
 and by the said name, the said corporation shall have power
 and authority to manufacture, make, and sell gas, to be made
 of bituminous coal or other materials, for the purpose of light-
 ing the streets, buildings, manufactories, and other places,
 situated in Jersey City and vicinity.

2. *And be it enacted,* That the said corporation shall be em- Company authorized to lay pipes.
 powered to lay down their gas pipes, and to erect gas posts,
 burners, and reflectors, in the streets, alleys, lanes, avenues,
 and public grounds of Jersey City and vicinity, and to do all
 things necessary to light the said Jersey City and vicinity, and
 the dwellings, stores and other places situated therein, with
 gas; *Provided,* that the public travel shall at no time be af-
 fected or impeded by the laying of the said pipes or the erec-
 tion of the said posts; and the streets, side and cross-walks,
 public grounds, lanes, and avenues shall not be injured, but
 shall be left in as good and perfect condition as before the
 laying of the said pipes or erection of the said posts.

3. *And be it enacted,* That Erastus Randall, Peter Bentley, Commissioners to open books of subscription.
 and Andrew Clerk are hereby appointed commissioners for
 receiving subscriptions for the sum of sixty thousand dollars,
 to constitute the capital stock of the said corporation, in shares
 of twenty dollars each; and the said commissioners, or a ma-
 jority of them, shall open books for that purpose, at such time
 and in such place or places, within this State, as they shall
 designate by a public advertisement, to be previously inserted,
 for at least three weeks, in a newspaper printed in Jersey

City, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in specie or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber, shall be entitled to receive a certificate for such stock from said commissioners, and the amount so received by the said commissioners, at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of sixty thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares, so subscribed, shall have been fully paid.

Annual election
of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of Hudson county, and the said directors shall choose, by plurality of votes, a president from among themselves; and, as soon as conveniently may be after thirty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the third Monday in May, eighteen hundred and fifty; and the said directors and president shall hold their offices, from the third

Monday in May in every year, for one year, and shall be elected on the third Monday of May in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in Jersey City; and any vacancy in the said board of directors may be supplied by appointments, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall hold, or shall have held, in his, her, or their name or names, at least fourteen days before the time of voting.

5. *And be it enacted*, That if, at any time, an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held, in such manner as is directed by the by-laws, at any time within one year.

Charter not forfeited for failure to elect on day prescribed.

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business.

Quorum.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

Stock transferable.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, with intent thereby to injure any conduit, pipe, cock, machine, or structure whatsoever, or any thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding two years, or both; *Provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said cor-

Penalty for injuring works.

poration, in any court of this State having cognizance of the same.

Books of
accounts to be
kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Powers and res-
trictions.

10. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable; and shall continue in force for thirty years.

Approved March 1, 1849.

A SUPPLEMENT TO THE ACT, ENTITLED

"An Act to incorporate the Jersey City Gas Light Company."

Company author-
ized to lay down
pipes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey City Gas Light Company shall be empowered to lay down their gas pipes, and to erect gas posts, burners, and reflectors in the streets, alleys, lanes, avenues, and public grounds of Hoboken and vicinity, and to do all things necessary to light the same, and the dwellings, stores, and other places therein; *Provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes and avenues, shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Increase of
capital stock.

2. *And be it enacted*, That the directors of said company shall have power to increase the capital stock thereof to the amount of one hundred and fifty thousand dollars.

Number of direc-
tors increased.

3. *And be it enacted*, That the number of directors of the said company shall be increased to nine, five of whom shall

form a quorum; and that the first election for directors shall be on the last Monday in March, eighteen hundred and fifty-two.

Approved March 24, 1852.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED

“An Act to Incorporate Jersey City,”

Passed February twenty-second, eighteen hundred and thirty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the* Election of city officers. *State of New Jersey,* That the fourth section of the act to which this is a supplement, shall be so amended, that the annual election for the city officers, in said section named, shall hereafter be held on the second Wednesday of April, in each and every year; and that the poll of such election shall hereafter be opened at eight o'clock in the morning, and shall be closed at seven o'clock in the evening.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 5, 1850.

STATE OF NEW JERSEY:

A SUPPLEMENT TO AN ACT, ENTITLED

“An Act to Incorporate Jersey City,”

Approved March eighteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the* *State of New Jersey,* That in all cases where the Mayor and Common Council of Jersey City are now authorized to make or levy any assessment, for any improvements in said city, they shall be authorized to borrow the amount of any such assess-

ment, in anticipation of the collection therefor, anything contained in the act to which this is a supplement, to the contrary notwithstanding.

2. *And be it enacted*, That this act shall be deemed and taken as a public act, and take effect immediately.

Passed February 25, 1853.

STATE OF NEW-JERSEY :

An Act

To amend an act approved the twenty-fifth of March, eighteen hundred and fifty-two, entitled "An act to authorize the construction of Works for supplying Jersey City and places adjacent with pure and wholesome water."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the owners, or any of the owners of any lands, or water rights, which may be required for the purposes of the act to which this is an amendment, are unknown, or cannot be found, the Circuit Court of the county of Hudson may direct the manner in which notice of application for the appointment of commissioners to estimate the value of such property, or damage thereto, and of the meeting of such commissioners may be given, or published; and when notices are given, or published in the manner so directed, they shall have the same force and effect as if served upon the owners of such lands, or water rights; and in all cases where the title, or interest, of any person or persons in lands required and taken for the purposes of this act is doubtful, or disputed, the value of or damage to such lands, awarded by the Commissioners appointed by said Circuit Court, may be paid into said Court upon affidavit made of such facts: and such payment shall have the same effect as if made to the owners thereof; and the said Court may proceed in a summary way, upon petition of any person claiming to be the owner of said lands, or any part thereof, to ascertain to whom the title belonged, and to what person, or persons the said money shall be paid, and shall have power to distribute the same among the persons entitled thereto.

2. *And be it enacted*, That the eleventh section of the said act shall be amended by striking out the following words, "and provided also, that no notes, or scrip, or certificates of debt, shall be sold at public or private sale, for less than the par value thereof."

3. *And be it enacted*, That the twenty-third section of the said act be amended, by striking out the words "in the county of Hudson," and also the words, "in the said county," contained in the said section.

4. *And be it enacted*, That this act shall take effect immediately.

Passed January 18, 1853.

STATE OF NEW JERSEY:

A further Supplement to the Act, entitled

"An Act to authorize the business of Banking."

Approved February twenty-seventh, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association of persons, formed and organized under the act to which this is a supplement, to deposit in addition to the stocks mentioned in said act, and the supplement thereto, the bonds of the city of Newark, issued in accordance to law, by the Mayor and Common Council of said city, bearing interest not less than six per cent. as a basis or security for their circulating notes, subject to all the provisions and restrictions in said act authorizing the business of banking.

2. *And be it enacted*, That it shall be lawful for any association of persons formed and organized under the act to which this is a supplement, to deposit the "Jersey City Water Scrip," bearing interest not less than six per cent., as a basis or security for their circulating notes, subject to all the provisions and restrictions in the act to which this is a supplement.

3. *And be it enacted*, That this act shall take effect immediately.

Passed February 25, 1853.

STATE OF NEW JERSEY:

AN ACT

To authorize so much of the records in the office of the clerk of the county of Bergen, as relate to the county of Hudson, to be transcribed and certified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Hudson, to have all such deeds and conveyances, now on record in the office of the clerk of the county of Bergen, as relate to or affect lands situate in the county of Hudson, together with the acknowledgements or proofs of execution thereof, and the entry of the time when the same were brought or delivered to be recorded, transcribed, by the clerk of the county of Bergen, in a good fair hand, in suitable books, to be provided by them for that purpose; which books shall each be certified by the clerk of said county of Bergen, under his hand and seal, to contain true and complete copies from the records in his office of the deeds therein transcribed; and the last of said books shall contain a certificate of said clerk, under his hand and seal, that the said books contain transcripts of all deeds in the records of his county relating to or affecting lands in the county of Hudson.

2. *And be it enacted*, That it shall be lawful for the said board of chosen freeholders of the county of Hudson, to cause the registry of all mortgages registered in the office of the clerk of the county of Bergen, before April fourteenth, eighteen hundred and forty, which are uncanceled of record, and that relate to or affect lands in the county of Hudson, to be transcribed by the clerk of Bergen county, at length, with the entry of the time the same were lodged to be registered, in suitable books, to be provided by them for that purpose, each of which books shall be certified by the clerk of the said county of Bergen to be true copies of the registry of said mortgages so transcribed; and the last of said books shall contain a certificate of said clerk, that said books contain transcripts of the

registry of all uncanceled mortgages on the records of his county, relating to or affecting lands in the county of Hudson; and the cancellation of any mortgage so transcribed, may be made and entered in such books by the clerk of the county of Hudson, as if it had been originally registered in his office.

3. *And be it enacted*, That it shall be lawful for the said board of chosen freeholders of the county of Hudson to cause a docket to be made, by the clerk of the county of Bergen, of the judgments unsatisfied, entered of record in the office of the clerks of the Courts of Common Pleas and of the Circuit Court, respectively, from the first day of January, eighteen hundred and thirty-three, until the fourteenth day of April, eighteen hundred and forty, and all judgments entered in said courts since the said last mentioned day, on suits actually pending on the thirteenth day of April, eighteen hundred and forty; which docket shall contain the names of the plaintiff or plaintiffs and defendant or defendants in such judgment, the form of action, the amount recovered, and the date when the same was signed.

4. *And be it enacted*, That said transcripts of deeds and mortgages and said docket shall, when completed, be placed in the office and custody of the clerk of the county of Hudson, and, when so deposited, all persons shall be entitled, at proper times, to have access to the same, and shall be entitled to copies thereof, upon paying for searches and copies such fees as are allowed by law for the same services in searching and copying the records of deeds and mortgages and judgments recorded in said clerk's office; and said books of deeds, and certified copies thereof, under the hand and seal of the clerk of the county of Hudson, shall be evidence in the same manner as the original books in the county of Bergen, or copies certified by such clerk of said county of Bergen now are.

5. *And be it enacted*, That said transcript of deeds and mortgages and said docket of judgments shall contain, in the margin opposite to such deed, mortgage, or judgment, the designation of the book in said clerk's office of the county of Bergen, and of the page thereof, from which it shall be taken.

6. *And be it enacted*, That the clerk of the county of Hudson shall, at the expense of the said county, cause proper indexes to be made of such books of deeds and mortgages and docket of judgments.

7. *And be it enacted*, That the clerk of the county of Bergen shall, upon being required by the board of chosen freeholders of the county of Hudson, cause said transcripts and docket to be made, and sign and seal such certificates within twelve months after proper books shall be provided for that purpose by them, and shall be entitled to receive for such transcripts, from the said the board of chosen freeholders of the county of Hudson, the fees allowed by law for recording deeds left to be recorded in his office, and for docketing each judgement twelve cents, and for all the searches and certificates necessary for such purposes two hundred dollars.

8. *And be it enacted*, That this act shall take effect immediately.

Passed March 9, 1853.

STATE OF NEW JERSEY:

An Act to regulate the rates of Ferriage at the Hoboken and Jersey City Ferries.

1. *AND BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of March next, it shall and may be lawful for the proprietors of the ferries at Hoboken and Jersey City, to charge the following tolls or rates of ferriage, and no more :

Every person on foot, above ten years old, three cents ;

Under ten years and above five years old, two cents ;

Man and horse or horse only, nine cents ;

Ordinary four wheeled trucks, loaded, two horses and one person, thirty-seven and a-half cents ;

Ordinary four wheeled truck, light, two horses and one person, twenty-five cents ;

Ordinary wagons, or market wagons including loads of green clover, or grass, two horses and one person, twenty-five cents ;

For every additional person, three cents ;

Ordinary wagons or market wagons, including loads of green clover or grass, one horse and one person, twelve and a-half cents ;

For every additional person, three cents ;

A coach, coachee, chariot, barouche, phaeton, pleasure wagon, or sleigh, with more than one seat, two horses, one person, thirty cents ;

For every additional person, three cents ;

A light pleasure carriage, barouche or pleasure wagon, two horses, one person, twenty-five cents ;

For every additional person, three cents ;

A light pleasure carriage, barouche, or pleasure wagon, one horse, one person, twelve and a-half cents ;

For every additional person, three cents ;

A cart with driver, one horse, loaded or empty, twelve and a-half cents ;

A wagon load of straw or hay, with two horses and one person, fifty cents ;

A wagon or cartload of hay or straw, with one horse and one person, thirty-seven and a-half cents ;

Any kind of carriage or sleigh, without horse, half price ;

A wheelbarrow and one person, loaded or empty, six cents ;

A hand-cart and one person, loaded or empty, eight cents ;

Cattle, single or in droves, each, fifteen cents ;

Calves and hogs, dead or alive, each, three cents ;

Sheep, lambs, and shoats, dead or alive, each, three cents ;

Sucking pigs do., each, two cents ;

Raw hides, each, three cents ;

Skins, each, half a cent ;

Dry hides, each, one cent ;

Bundles of sole and upper leather, per side, each one cent ;

Bundles of hay, each, nine cents ;

Paper, in bundles, per ream, half a cent ;

Wheat, corn, and other grain, per bushel, half a cent ;

Oats, green peas and beans, per bushel, one cent ;

Potatoes, per bushel, one and a-half cents ;

Barrels containing apples and vegetables, each, six and a quarter cents ;

Boxes of oranges and lemons, each, five cents ;

Baskets containing fruit or vegetables, each, three cents ;

Oysters, per bushel, three cents ;

Horse feed, per bushel, one cent ;

Meal, flour or coffee, in bags, each, three cents ;

Large boxes containing live fowls for markets, each, twelve and a half-cents ;

Small boxes and large baskets, containing live fowls, in proportion ;

Salt in bags, per bushel, two cents ;

Sugar, per cwt., five cents ;

Pipe, hogshead of spirits or wine, each fifty cents ;

When empty, eight cents ;

Tierce of spirits or wine, each thirty-seven and a-half cents ;

When empty, six and a-quarter cents ;

Barrels of spirits or wine, each eighteen and three-quarter cents ;

When empty, three cents ;

Hogsheads of molasses or sugar, each thirty-seven and a-half cents ;

When empty, six and a-quarter cents ;

Tierce of molasses or sugar, each, twenty-five cents ;

When empty, five cents ;

Barrels molasses, sugar, beer, beef, pork, and oil, each ten cents ;

Barrels of flour and lime, each, five cents ;

When empty, two cents each, except flour barrels, one cent ;

Baskets of wine, each, six and a-quarter cents ;

Crate, hogshead, tierce, &c., containing earthenware or glass, each, twelve and a-half cents ;

And when empty, tierce or crate, each, four cents ;

Large size firkins, each, five cents ;

Second size firkins, each, three cents ;

Pails of butter, each, one cent :

Cheese, ham, codfish, &c.—per cwt., five cents ;

Chests of tea, each, four cents ;

Half chests of tea, each, two cents ;

Tobacco, in kegs, each, four cents ;

Churns containing milk, each, six and a-quarter cents ;

Iron, steel, lead-paints and other metals, per cwt., five cents ;

Boxes of window glass, each, two cents ;

Boxes of soap and candles, each, three cents ;

Kegs of nails, each, five cents ;

Specie in large kegs or boxes, each, twenty-five cents ;

For less size, and for every one thousand dollars, twelve and a-half cents;

For fancy chairs, each, two cents;

For common chairs, each, one cent;

Sofas and pianos, each, twenty-five cents;

Bureaus, each, twelve and a half cents;

Bedsteads, beds, tables, writings and small bureaus, each, six and a-quarter cents;

Tool chests, ploughs, and corn machines, each, six and a-quarter cents;

Stoves, and grates, large size, each, twelve and a-half cents;

Small size in proportion;

Joists and boards, each, one cent;

Lumber and timber, per thousand feet, one dollar;

And all animals and things not herein enumerated shall be charged proportionably to the foregoing rates.

2. *And be it enacted*, That the Legislature may at any time hereafter alter and modify the rates of ferriage at the ferries aforesaid, and that this act shall go into effect immediately; and that nothing herein contained, shall be construed as to recognize any exclusive right of ferry from Jersey City to New York, in any person or corporation.

Passed March 10, 1853.

AN ACT

To Ratify and Confirm an Agreement made between the Commissioners appointed by the Governor of the State of New York, and the Commissioners appointed by the Governor of the State of New Jersey, respecting the territorial limits and jurisdiction between the said States. Passed the 26th of February, 1834.

Whereas, commissioners duly appointed on the part of the State of New York, and commissioners duly appointed on the part of New Jersey, for the purpose of agreeing upon and settling the jurisdiction and territorial limits of the two States,

have executed certain articles, two copies for each State, which are contained in the following words :

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay, and Henry Seymour, commissioners duly appointed on the part and behalf of the State of New York, in pursuance of an act of the Legislature of the said State, entitled "An act concerning the territorial limits and jurisdiction of the State of New York and the State of New Jersey," passed January 18th, 1833, of the one part, and Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, commissioners duly appointed on the part and behalf of the State of New Jersey, in pursuance of an act of the Legislature of the said State, entitled "An act for the settlement of the territorial limits and jurisdiction between the States of New Jersey and New York," passed February 6th, 1833, of the other part.

ARTICLE I. The boundary line between the two States of New York and New Jersey, from a point in the middle of Hudson river, opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New York, of the water between Staten Island and New Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

ART. I. The State of New York shall retain its present jurisdiction of and over Bedlow's and Ellis' Islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that State.

ART. III. The State of New York shall have and enjoy exclusive jurisdiction of and over all the waters of the bay of New York, and of and over all the waters of Hudson river lying west of Manhattan Island, and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low water mark on the westerly or New Jersey side thereof; subject to the following rights of property and of jurisdiction of the State of New Jersey, that is to say :

1. The State of New Jersey shall have the exclusive right of property in and to the land under water, lying west of the middle of the bay of New York, and west of the middle of that part of the Hudson river which lies between Manhattan Island and New Jersey.

2. The State of New Jersey shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made on the shore of the said State, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessel shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New York, which now exist or which may hereafter be passed.

3. The State of New Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters: *Provided*, that the navigation be not obstructed or hindered.

ART. IV. The State of New York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten Island and New Jersey, to the westernmost end of Shooter's Island, in respect to such quarantine laws and laws relating to passengers, as now exist or may hereafter be passed under the authority of that State, and for executing the same; and the said State shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the sound, from the westernmost end of Shooter's Island to Woodbridge creek, as to all vessels bound to any port in the said State of New York.

ART. V. The State of New Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the sound, between Staten Island and New Jersey, lying south of Woodbridge creek, and of and over all the water of Raritan bay, lying westward of a line drawn from the light-house at Prince's bay to the mouth of Matavan creek, subject to the following rights of property and of jurisdiction of the State of New York, that is to say:—

1. The State of New York shall have the exclusive right of

property in and to the land under water, lying between the middle of the said waters and Staten Island.

2. The State of New York shall have the exclusive jurisdiction of and over the wharves, docks, and improvements made and to be made on the shore of Staten Island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers of the State of New Jersey, which now exist, or which may hereafter be passed.

3. The State of New York shall have the exclusive right of regulating the fisheries between the shore of Staten Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

ART. VI. Criminal process, issued under the authority of the State of New Jersey, against any person accused of an offence committed within that State, or committed on board any vessel being under the exclusive jurisdiction of that State, as aforesaid, or committed against the regulations made or to be made by that State, in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the State of New Jersey, against any person domiciled in that State, or against property taken out of that State, to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New York, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the State of New York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New York.

ART. VII. Criminal process issued under the authority of the State of New York, against any person accused of an offence committed within that State, or committed on board of any vessel being under the exclusive jurisdiction of that State, as aforesaid, or committed against the regulations made or to be made by that State, in relation to the fisheries mentioned in the fifth article; and also civil process issued under the author-

ity of the State of New York, against any person domiciled in that State, or against property taken out of that State, to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the State of New Jersey, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the State of New Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New Jersey.

ART. VIII. This agreement shall become binding on the two States when confirmed by the Legislatures thereof respectively, and when approved by the Congress of the United States.

Done in four parts (two of which are retained by the commissioners of New York, to be delivered to the Governor of that State, and the other two of which are retained by the commissioners of New Jersey, to be delivered to the Governor of that State) at the city of New York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States, the fifty-eighth.

THEO. FRELINGHUYSEN,	B. F. BUTLER,
JAMES PARKER,	PETER A. JAY,
LUCIUS Q. C. ELMER,	HENRY SEYMOUR.

Therefore: The aforesaid agreement, and every article, clause, matter and thing therein contained, shall be, and the same is hereby fully and amply ratified and confirmed, on the part of the State of New Jersey.

(This agreement has been ratified and confirmed by the Legislature of New York, and approved by the Congress of the United States.)

An Act to regulate the Selling of Grain.

Passed February 16, 1838.

WHEREAS, It is agreeable to equity and beneficial to commerce, that a people who live in the same community shall have one equal and just weight per bushel for the various kinds of grain, according to a true and perfect standard; THEREFORE—

§ 1. From and after the fourth day of July next, the bushel shall consist of sixty pounds of wheat, fifty-six pounds of rye or Indian corn, fifty pounds of buckwheat, forty-eight pounds of barley, thirty pounds of oats, fifty-five pounds of flax seed, and sixty-four pounds of clover seed.

An Act to regulate the Standard of Weights in the State of New Jersey.

Passed the 19th of February, 1835.

WHEREAS, It is agreeable to equity and beneficial to commerce, that a people who live in the same community shall have one equal and just weight, according to a true and perfect standard; THEREFORE—

§ 1. From and after the first day of July next, it shall be lawful and proper to calculate the standard of weights, within this State, in the following manner, to wit: sixteen drachms one ounce, sixteen ounces one pound, twenty-five pounds one quarter of an hundred, four quarters one hundred, and twenty hundred one ton, any usage or custom to the contrary thereof notwithstanding, except such as may be used in weight of coins and apothecary drugs.

DISTANCES

Along the line of the Railroad, from the Jersey City Ferry landing, to the west side of Bergen hill.

To Warren street, Jersey City, one-quarter of a mile.

To Grove street, do. half a mile.

To Jersey Avenue, do. three quarters of a mile.

To Gilbert street, do. near the Starch Factory, one mile.

To Fair Mount, or Point of Rocks, Bergen hill, one mile and one-quarter.

To second Point of Rocks, or Gilbert's Grapery, one mile and a-half.

To summit of Bergen Ridge, under Bridge, two miles.

To junction of Newark and Paterson Railroad, two miles and a-half.

Across Hudson river to Courtlandt street, New York, 1797 yards, or 1 1-47 of a mile, where a boat crosses in from five to eight minutes.

COMPARATIVE TABLE OF DISTANCES, from the Merchants' Exchange, in the city of New York, to different points in New York, Jersey City, and Brooklyn.

From the Exchange, it is	In New York.	In Jersey City, not including River.	In Brooklyn, Not including River.
$\frac{1}{2}$ mile to	Courtlandt st. Ferry.	Hudson street.	Water street.
1 "	Canal street.	Grove street.	Nassau street.
1 $\frac{1}{4}$ "	Spring street.	Jersey Avenue.	City Hall.
1 $\frac{1}{2}$ "	Houston street.	Gilbert street.	Smith street.
1 $\frac{3}{4}$ "	Fourth street.	Fair Mount.	Bond street.
2 "	Ninth street.	Gilbert's Grapery,	Powers street.
2 $\frac{1}{2}$ "	Nineteenth street.	Bergen Bridge.	Junction Fulton and Atlantic streets.
3 "	Twenty-ninth street.	Paterson and Newark junction.	Clinton Avenue.



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